

Minutes of the Work Session held November 21, 2011 at 6:05 p.m. in the Council Chambers.

**MEMBERS PRESENT**

Mayor Lopez Rogers and Council Members

Jim McDonald, Vice Mayor  
Jim Buster  
Stephanie Karlin  
Frank Scott  
Charles Vierhout

**EXCUSED ABSENCE**

Ken Weise

**ALSO PRESENT**

Charlie McClendon, City Manager  
David Fitzhugh, Assistant City Manager  
Rogene Hill, Assistant City Manager  
Rob Lloyd, IT Director  
Andrew McGuire, City Attorney  
Carmen Martinez, City Clerk

**1) ROLL CALL BY THE CITY CLERK**

**2) USE OF ELECTRONIC TABLETS FOR DELIVERY OF COUNCIL AGENDA PACKETS**

Charlie McClendon, City Manager, noted that many cities are replacing paper-based City Council packets with electronic ones. The public and the media can already retrieve Avondale's packets from the City's website.

Carmen Martinez, City Clerk, indicated that prior to 2001, staff prepared 20 paper packets for Council Members, staff and the media. Since then that number has been reduced to eight. Five Council Members still prefer to use the paper packet as they are able to make notes in preparation for the meeting. It takes about three to four hours to print and assemble a typical packet, for an approximate annual cost of \$4,500. Additional time is taken to prepare PDF documents for the City's website, which includes creating links and bookmarks for easy navigation. Electronic tablets have become available over the last few years and have become increasingly popular as they are lightweight, and have an extended battery life. Annotation applications are now available for electronic tablets which make them an ideal replacement for a paper packet. Email, calendar and contact information can also be accessed on these tablets.

Rob Lloyd, IT Director, said that tablets have evolved enough to be useful within the City Council environment. He recommended that Council try a two-month pilot project to use electronic tablets, which would totally eliminate the production of paper packets. After two months, Council would have an opportunity to decide whether to continue with this new method, or revert to the old one. Regarding provision of the devices, Council could opt to purchase City-owned tablets using discretionary funds, or allow City Council Members to purchase their own tablets, with the City reimbursing a portion of the cost. These would be personal devices that Council Members would use for city business.

For key staff, Mr. Lloyd recommended using personal devices only, with City reimbursement. Reimbursement would be \$300, which is at the low end of the price range for these devices. In order to qualify for reimbursement, the tablets would have to be

purchased in Avondale. Replacement would occur every three years for staff, and every two years for Council, to align with elections. This pilot project would explore the use of two devices, the Galaxy Tab and the iPad. Staff will solicit feedback from Council on how well the devices meet their needs, how easy they are to utilize applications, and whether Wi-Fi coverage is adequate.

Ms. Martinez reminded Council that standard ethics and disclosure rules will apply. Any tablet activity must pass the headline test, and their use could be subject to disclosure, even if it is a personal device. The City's Wi-Fi connection only allows for incidental use. Notes made on the PDF files will be stored and retained for three years. The goals of this pilot project are to save on printing costs and increase efficiency.

Mr. Lloyd explained that IT would provide training on how to use and configure the devices. The City is using the iAnnotate productivity tool for notes, and Dropbox for cloud storage. Tablets would be preconfigured to use the City's Wi-Fi network and to access Outlook. Anyone who is part of the pilot program will have to agree to provide their password and allow staff to wipe City files if the tablet is lost. If Council decides to use City-provided tablets, there should be no personal use, due to ethics laws. The pilot program is scheduled to conclude at the end of January 2012.

In response to an inquiry from Council Member Vierhout, Mr. Lloyd said the return on investment in a given year, given the cost of provisioning and replacement, would essentially be a wash. The real value comes through better connectivity and productivity and the reduction of paper waste.

Mayor Lopez Rogers inquired whether planning maps and engineering maps are calculated in the cost of printing. Ms. Martinez said in the past, each department covered their own printing costs, but now the City Clerk's Department handles it all, while departments send material electronically. The time it takes to print agenda packets occasionally ties up the printing machines, preventing other uses.

Vice Mayor McDonald said he stopped using paper packets after the first two meetings, and has been downloading material onto his laptop ever since. This proposal is the next logical progression. He has been using GoodReader to annotate. He likes the idea of remote access, which allows for data wipes if necessary. Council Members without Wi-Fi access at home would need another way to access material if they use an iPad since it is purely Wi-Fi. He felt the best option would be to reimburse Council Members for buying their own tablets.

Council Member Scott inquired whether there would be any advantage to simply buying a tablet without taking City money. Andrew McGuire, City Attorney, responded that case law suggests that private devices can be used for personal purposes, but may be subject to public records requests. Council Member Scott said he has been slow to adopt the technology, but thinks two months would be adequate for a test.

Council Member Karlin said she used to bring a laptop to City Council meetings. She inquired whether the tablets accommodate keyboards and USB devices. Mr. Lloyd explained that keyboards are available for tablets, but the intent is to store information on

cloud drives. Some storage options are available for trading files and accessing them from laptops. Council Member Karlin said she would support the effort to reduce paper usage.

Council Member Vierhout asked whether Council had to choose between the two devices. Mr. McClendon explained that Council Members are free to choose whatever option they want, while staff will buy their own.

Council Member Buster inquired whether tablets used for personal things such as online banking could be open to public records requests. Mr. McGuire explained that the Griffith case requires that staff redacts personal emails from business emails. That has been standard practice for some time, but it makes public records requests very onerous. Any material on private devices would be redacted if it does not pertain to Council business. Websites usually are not requested, but hard copies of emails are. A redaction log is provided to the requestor of the material, indicating the nature of the material and the reason it was redacted.

**3) UPDATE TO CHAPTER 16 OF THE PERSONNEL RULES AND PROCEDURES –  
INFORMATION AND COMMUNICATIONS TECHNOLOGY POLICY**

Mr. Lloyd presented a proposed rewrite of Chapter 16, the City's IT policy. It was originally written in 2003, and partially updated in 2006. The policy requires a rewrite because it is highly prescriptive, instead of being at a policy level, and is outdated technically. Staff also wants to add sections on security and incident response, and give treatment to mobile computing and social media.

Mr. Lloyd felt that the policy should explain what the City's approach is for staff, interns, and vendors. An IT steering group was created to represent all departments, and they were asked for input. Thirty-nine changes were made based on their feedback. City Council will have an opportunity to approve the new policy at their December meeting. The IT steering group will remain intact to provide continued feedback. The policy will make it very clear that City IT resources are for work purposes. Activity will be monitored and logged so that if anyone requests information on activity, it can be reported. Social media use can only be for work purposes. Telecommuting provisions are provided as an option for supervisors, not a right. Supervisors will be made aware of the information systems and security piece so that they know to notify IT if any computer is impacted by a virus or malware. Periodically, the systems will be audited for access. IT supports trying to get the ratio of PCs to employees as close to 1:1 as possible.

Vice Mayor McDonald inquired about the use of technology such as Skype to attend meetings. Mr. Lloyd responded that there are a lot of tools available for teleconferencing, but the demand has not been very high. If anything specific comes up, staff has the flexibility to consider a range of available solutions at the time, rather than being locked into a specific technology or method.

Council Member Vierhout felt it was good that IT took a more active role in purchasing decisions to ensure that software would integrate well with other systems. He inquired how IT planned to secure wireless technology and mobile devices as they continue to become

part of the network. Mr. Lloyd explained that once the data center is rebuilt, staff will audit the system to determine where security needs to be upgraded. Council Member Vierhout said the policy's open-endedness takes into account the quickly changing technological landscape.

#### 4) CITY CODE CHAPTER 20 – ALARM CODE REVISIONS

Mr. McGuire noted that Avondale embarked on the first leg of enhanced response last year. The City created a code provision that used enhanced response, but also coupled costs associated with false alarms back to the alarm companies, rather than back to the subscribers. The alarm industry has expressed their dissatisfaction with that provision. The City is trying to find some middle ground that can be incorporated into a hybrid policy as part of a pilot program.

Mr. McGuire said enhanced verification requires a call to a second telephone number if the first one does not work, before police are called. Coupled with the shared responsibility for fines, this policy will give everyone an incentive to make sure that alarms are functioning properly, leading to fewer calls for service. Two changes are being proposed:

- Responsibility will be shifted to the alarm subscriber first, then the alarm company. Alarm users will be given a notice of false activation, and will be able to inform the City if the false alarm was due to a faulty piece of equipment.
- The stringent registration requirements contained in the original policy adoption proved too resource intensive for the Police Department. Rather than increasing resources to maintain this process, the policy will test a non-registration process that relies only on the existing business and peddler licenses. Using this method, the alarm industry will have an opportunity to show that they are capable of self-monitoring.

Vice Mayor McDonald questioned whether the proposed changes were the result of good policy making, or made out of reluctance to fight with alarm companies. He said business should not be built on the backs of citizens. Alarm companies collect the fees for monitoring alarms, while making cities responsible for the fines. Mr. McGuire responded that it is City Council's responsibility to decide what direction to go in, but there is no doubt that the industry has threatened litigation over this issue. This proposed policy is an attempt to find middle ground. The City of Fontana, California, has been engaged in two such lawsuits for many years, and at great cost. Third party collection has not been implemented yet. This may not change the number of false alarms or the fines levied, but might lower the cost of responding to them. He said the City Council could also opt for a true verification policy. Vice Mayor McDonald asked how long this pilot proposal would be in place. Mr. McGuire suggested it would take six months to a year to see if it works. Vice Mayor McDonald said his biggest concern is ensuring that police officers use their time as effectively as possible.

Council Member Vierhout asked whether the ordinance would allow alarm companies to accept fines and then pass them on to the users. Alarm companies have been

guaranteeing that their equipment will not produce false alarms as a selling point. Mr. McGuire said it certainly could be drafted that way. Alarm companies can provide that service, regardless of who is responsible for payment under the current framework, without a change to the code provision. The City would have to find a way to incentivize them to do so, however. The ordinance requires that the subscriber be fined first. If they are removed from the chain, there is no incentive for the alarm companies to use that guarantee as a marketing tool. He added that the ability of people to verify alarms is progressing rapidly as technology advances. It will probably not be too long before this issue ceases to be a problem.

Council Member Scott said this proposal represents a compromise. He expressed concern that alarm companies have not compromised enough. Would an alarm company be willing to stop their monitoring if a client has faulty equipment and does not want to replace it? Mr. McGuire said if the alarm company wanted to receive bills continuously, they could allow equipment to continue to malfunction. Council Member Scott said the City should be willing to take any action necessary, including shutting off water, for failure to pay alarm fines. If the City makes these rules, it should be willing to stand behind them. Mr. McGuire responded that he was uncertain whether the City could use all its resources in response to a delinquent alarm bill. The intent was to place the collection responsibility in the hands of a third party that has an incentive to collect the money.

Council Member Scott said the data from the pilot program should provide information on the effectiveness of the collection effort. If the City keeps sending out officers to respond to false alarms for people who refuse to pay the fine, it is essentially rewarding bad behavior. An officer's time is invaluable. He suggested that alarm companies stop monitoring clients with three unpaid fines. Mr. McGuire responded that it would be difficult to codify that. The policy focuses on regulation, whereas the third party service, Cry Wolf, focuses on collections. Mr. McClendon said the use of the third party vendor for collections will make a difference, because they have an incentive to make either the individual or the company pay the fines. They only get paid when they collect.

Vice Mayor McDonald moved to table this item for the work session to resume the discussion as Item 6a of the regular agenda and adjourn the work session. Council Member Karlin seconded.

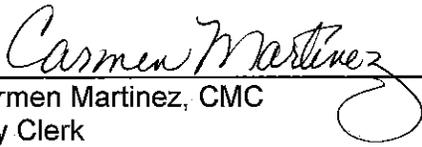
ROLL CALL VOTE AS FOLLOWS:

Mayor Lopez Rogers	Aye
Vice Mayor McDonald	Aye
Council Member Buster	Aye
Council Member Karlin	Aye
Council Member Scott	Aye
Council Member Vierhout	Aye
Council Member Weise	Excused

Motion carried unanimously.

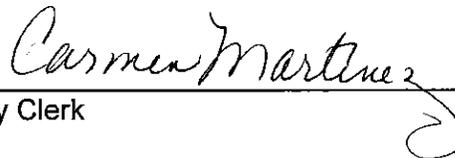
Meeting adjourned at 7:09 p.m.

  
Mayor Lopez Rogers

  
Carmen Martinez, CMC  
City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the Council of the City of Avondale held on the 21st day of November 2011. I further certify that the meeting was duly called and held and that the quorum was present.

  
City Clerk

Minutes of the Regular Meeting held November 21, 2011 at 7:03 p.m. in the Council Chambers.

**MEMBERS PRESENT**

Mayor Lopez Rogers and Council Members

Jim McDonald, Vice Mayor  
Jim Buster  
Stephanie Karlin  
Frank Scott  
Charles Vierhout  
Ken Weise

**ALSO PRESENT**

Charlie McClendon, City Manager  
David Fitzhugh, Assistant City Manager  
Rogene Hill, Assistant City Manager  
Rob Lloyd, Chief Information Officer  
Christopher Reams, Parks, Recreation and Libraries Director  
Andrew McGuire, City Attorney  
Carmen Martinez, City Clerk

**1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK**

Carmen Martinez, City Clerk, read a statement of participation regarding public appearances.

**2 RECOGNITION ITEMS (MAYOR PRESENTATIONS)**

a. Resolution 3013-1111- In Recognition of Ken Sowers on occasion of his retirement

Charlie McClendon, City Manager, thanked Ken Sowers for 30 years of service to the City of Avondale, and noted that he is retiring in December.

Vice Mayor McDonald moved to adopt Resolution 3013-1111; Council Member Weise seconded the motion.

**ROLL CALL VOTE AS FOLLOWS:**

Vice Mayor McDonald	Aye
Council Member Scott	Aye
Council Member Vierhout	Aye
Mayor Rogers	Aye
Council Member Weise	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried unanimously

**3 UNSCHEDULED PUBLIC APPEARANCES**

Mayor Rogers thanked the Council for their support in her recent election as 1<sup>st</sup> VP of the National League of Cities. She indicated she is honored and humbled to represent Avondale residents and the State of Arizona at the national level.

**4 CONSENT AGENDA**

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

**a. APPROVAL OF MINUTES**

1. Work Session of November 7, 2011
2. Regular Meeting of November 7, 2011

**b. CONTRACTOR AGREEMENT - NEXT LEVEL BASKETBALL CLUB**

A request to approve a Contractor Agreement with Next Level Basketball Club to establish jointly-sponsored athletic programs through the Parks, Recreation, and Libraries Department and authorize the Mayor or the City Manager and City Clerk to execute the applicable contract documents.

**c. PURCHASE AGREEMENT - SAN DIEGO POLICE EQUIPMENT FOR AMMUNITION**

A request to approve a sole source purchase agreement to San Diego Police Supply for the purchase of police ammunition in an amount not to exceed \$15,000 annually and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**d. COOPERATIVE PURCHASING AGREEMENT - FELIX CONSTRUCTION COMPANY**

A request to approve a Cooperative Purchasing Agreement with Felix Construction Company for repair of the pipes on the Avondale Blvd. Bridge in the amount of \$128,132.92 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**e. FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT - KIMLEY-HORN AND ASSOCIATES, INC. - SOUTH AVONDALE CADD SERVICES**

A request to approve a First Amendment to the Professional Services Agreement with Kimley-Horn and Associates for South Avondale CADD Services by increasing the agreement amount by \$35,526 for a total of \$94,323, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**f. PROFESSIONAL SERVICES AGREEMENT - BROWN AND CALDWELL, INC. FOR VFD EVALUATION AND DESIGN**

A request to approve a Professional Services Agreement with Brown and Caldwell, Inc., to Perform Variable Frequency Drive Evaluation and Design in an amount not to exceed \$82,126 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**g. RESOLUTION 3014-1111 – FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA AND MARICOPA COUNTY**

A resolution authorizing the First Amendment to an Intergovernmental Agreement with Arizona Department of Transportation and Maricopa County regarding the Avondale Boulevard Bridge over the Gila River at Phoenix International Raceway, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

**h. ORDINANCE 1475-1111- AMENDMENT CHAPTER 23, TRAFFIC OF THE AVONDALE MUNICIPAL CODE**

An ordinance amending Chapter 23, Traffic, of the Avondale City Code relating to penalties for violating the dust control and abatement sections.

Vice Mayor McDonald moved to approve the consent agenda as presented including Resolution 3014-1111 and Ordinance 1475-1111. Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Vice Mayor McDonald	Aye
Council Member Scott	Aye
Council Member Vierhout	Aye
Mayor Rogers	Aye
Council Member Weise	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried unanimously

**5 AVONDALE 2011 DIGITAL CITIES OF AMERICA AWARD**

The Center for Digital Government named its Digital Cities of America honorees. Avondale was named one of the top-ten in its population category. The award was received by Councilmember Vierhout on behalf of the Mayor and Council at the 2011 National League of Cities conference. Avondale is the only local government from Arizona to be honored this year.

City Manager Charlie McClendon announced that Avondale was named a winner in the Digital Cities of America Award Competition at the National League of Cities Conference.

Rob Lloyd, Chief Information Officer, explained that the Digital Cities of America Program began in 2001 as a way to encourage governments to engage with citizens online. Since then, it has grown to recognize achievements in IT operations, efficiencies, and outcomes. Honorees come in four population categories and Avondale entered the Mid-sized City category. The application process is very intensive. The award evaluated applicants on citizen engagement, innovation, value of service, and cost savings and shared services. Hundreds of communities applied, and Avondale finished in the Top 10 for Mid-Sized Cities.

Mr. Lloyd said Avondale was the only Arizona city that placed. The award was received at a special reception at the National League of Cities. Council Member Weise said it is a tribute to the IT Department that Avondale received the recognition in its first year of trying. Vice Mayor McDonald said the award shows that Avondale is becoming more efficient and is realizing cost savings in the process. He encouraged the City to enter every year and work towards becoming Number One. The interchange with other winners at the conference provided many good ideas for the future.

**6 ATHLETIC FIELD OPERATIONS**

Staff is seeking direction from the City Council on a proposal for future growth and development of City Parks as an economic driver for the City of Avondale.

Parks, Recreation and Libraries Director Christopher Reams reviewed the particulars of this items as more specifically described in the Council report summarizing that by partnering with the private sector to bring tournaments to outdoor parks, similar to the arrangement with American Sports Center for indoor sports would have benefits to the City such as increased economic impact from tournaments, enhanced field conditions, increased presence in the youth and amateur sports market, enhanced open space amenities, and more possibilities for increased outdoor activities. The challenges include reduced allocations for current user groups and finding funding for enhancements.

Mr. Reams said staff seeks direction on:

- Soliciting a partnership with sports management firms
- A new allocation process
- Reconsidering the long-term CIP to include provisions to enhance community usage of parks, specifically Festival Fields, Phase II.

Mayor Lopez Rogers said that as the economy worsens, people cut back on spending, but continue to spend on their children. Avondale has always used parks for all purposes, so this policy would require a shift in thinking by the community. Citizens paid for the parks so they should be able to enjoy them. At the same time, it would be advantageous to use some of them for revenue generation. If done right, the City could maintain a good balance. Mr. Reams noted that currently the majority of park uses are for sports organizations and this proposal would enhance their enjoyment. By increasing General Fund revenue, more money would be available to enhance neighborhood parks as well. Mayor Lopez Rogers said it would be wise for the City to spend those funds on community programs. This is one area that the City can find new ways to do things.

Council Member Weise agreed that parents will sacrifice for their children and notes that this is the reason the Sports Center has been so successful. Avondale has the ability to be the youth sports leader in the Valley. He commented that the City is limited in what it can do alone and private/public partnerships work because they can manage initiatives better and have new ideas that can turn a profit for the City. He noted, however, that it's important to not displace residents. He agreed that the vision for Festival Fields could be tweaked to fill a niche. He inquired how the privately owned West Valley Soccer Complex would affect what Avondale currently does with soccer. Mr. Reams responded that it would have little effect, since they draw a different user group. Fields at both places are booked every day, so there is room for more. Should Avondale partner with WVSC, larger tournaments could be brought to the West Valley to compete with Reach 11. More fields would also produce stronger and more stable sports organizations, since competition for fields would decrease.

Vice Mayor McDonald said he likes the idea of getting better usage from City parks, but not at the cost of the residents losing out. Time slots should always be made available for residents. Most of the direct revenue generated should go back to the neighborhood parks. The City will benefit from the taxes generated by increased visitation. If facilities can be filled with activity, it will help the vendors that work them. He suggested that HOAs could consider renting out their large parks for profit.

Council Member Karlin suggested that the use of artificial turf would cut down on the downtime and costs associated with field maintenance. Mr. Reams said that would be a better option for a new field, but staff would consider it.

Council Member Buster inquired how Little League and AYSO would be affected. Mr. Reams responded that the City subsidizes those groups by providing low cost fields. If the prices go up, they will be affected. On the other hand, in many cases the organizations fail to transfer savings to the families. One of the most cost effective programs is T-ball, since the City can run it with a lower cost structure. Council Member Buster asked how the proposal would affect citizens who want to use park facilities in a casual and unstructured way. Mr. Reams said more space would be dedicated at Friendship and Festival for that purpose. Council Member Buster felt the proposal was a good way to maximize what the City has while bringing in more revenue. It is a good idea as long as families continue to have access. They pay the taxes and should be able to use the parks.

Mayor Rogers said specialized facilities should provide more opportunities for citizens, rather than fewer. Council Member Scott requested the amount of each park that would be lost and gained for each type of purpose.

Council Member Vierhout approved of the idea of consolidating the types of uses for the parks and encouraged more research in this area. Council Member Weise called Peoria's Rio Vista one of the best parks he has visited because the ramadas are situated close to the playing fields, allowing parents to get together as their children play.

Mayor Rogers noted that Avondale has a great deal of room in the south for both types of parks. She urged caution about relying too heavily on outside contractors, since they do not always have the same vested interest that City employees have. Mr. Reams said the Department will always try to strike a balance between the needs of sports organizations and the residents. Mayor Rogers suggested that in addition to HOA fields, the City should try to partner with schools to use their fields.

**6a. CONTINUE WORK SESSION ITEM – CITY CODE CHAPTER 20 – ALARM CODE REVISIONS**

Mayor Lopez Rogers continued the discussion from the previous work session.

Council Member Karlin said the consumer is paying alarm companies for the service, while the City provides the actual service. This issue has been contentious, and the alarm companies have been most vocal about the ordinance, which has been in place since January 3. She inquired whether CryWolf has been collecting since January 3. Andrew McGuire, City Attorney, responded that the City began modifications to the ordinance at about the time that CryWolf was set to begin collections. That contract was frozen until the matter could be sorted out, and will be modified as necessary to span the original time it would have covered. Between the initial implementation of the ordinance and the present, a series of litigation threats have been directed towards the City should the existing ordinance go into effect. Staff has evaluated all the different options and crafted an Arizona version of the Fontana compromise. The City has held the ordinance changes in abeyance until some middle ground could be found.

Council Member Karlin stated that City Council passed this ordinance with the intention that it be enacted. It is surprising that the City has not even had the opportunity to put the changes into effect to see whether they would work or not. Council Member Vierhout noted that subscribers have the duty to respond to alarms within 30 minutes after notification.

Mr. McGuire explained that this is part of the existing ordinance, and is intended to reduce the time officers spend on callouts. Council Member Vierhout questioned whether such a time frame was realistic for anyone who worked on the east side. Mr. McGuire doubted that anyone would be cited for arriving a few minutes late. The intent was to make sure that subscribers were aware of their duty to respond.

Council Member Vierhout inquired what would happen if a subscriber failed to keep inspection records for 18 months. Mr. McGuire said this requirement provides some means by which the City could verify whether or not a subscriber is telling the truth. It would be difficult to codify a specific level of inspection without knowing what type of alarm system people have in their homes. Council Member Vierhout requested restoration of the section that addressed individual licensing within Avondale. Mr. McGuire explained that Kevin Artz requested removal of that section.

Council Member Weise said he supports the original ordinance and expressed disappointment at the proposed changes stemming from a threatened lawsuit. City Council voted on what they truly believed was best for the citizens of Avondale. If the proposed changes do not work out, the City could always go back to the original ordinance. It should be up to individual consumers to decide who they hire to install alarms, and there are better ways to spend the City's money than on licensing.

Council Member Buster inquired whether the false alarm rates fell since the changes were enacted. Mr. McClendon responded that the false alarm rates have consistently been in the 98% to 99% range and the number of calls has largely remained the same. He felt it would be worthwhile to try out the hybrid option of Enhanced Call Verification (ECV) and third party collection for 18 months, because the results have been good in other communities. If it does not work in Avondale, City Council could either use the option where the alarm company pays the fine, or the verified alarm option that the Police Department requested in the first place.

Council Member Buster surmised that a homeowner could continue to accumulate unpaid fines for false alarms and there would be no incentive for the alarm company to remove the system. Mr. McGuire said part of the reason for using a third party collection agency is to minimize the number of times that would happen. There is no way to codify it to prevent it entirely. Council Member Buster said he is willing to try out the new system but would prefer going back to what Avondale had before. The City should not have to act as an alarm company.

In response to an inquiry from Council Member Vierhout, Mr. McClendon said national studies suggest that that the new policy could result in a 20% to 40% reduction in the number of false alarms. Council Member Vierhout inquired how the City would collect from alarm companies. Mr. McGuire explained that the companies have to be licensed to do business. If they have a large number of outstanding penalties, it could be cause for revocation of their license.

Susan Brenton, Executive Director of the Arizona Alarm Association, stated that the use of enhanced call verification typically results in a 20% to 40% reduction in false alarm calls. ECV means that more than one phone number will be called in the event of an incident. The City of Mesa reports that their false alarm calls went down 46% since adopting an ECV policy, even though the total number of alarm systems in the city went up. Some cities have

adopted a policy of not responding to alarms that originate from places that have received more than 15 false alarms in one year.

Thomas Egbrick said equipment failure causes less than 2% of the false alarm problems, and most of these stem from equipment that was installed decades ago, not modern equipment. The vast majority of false alarms are caused by human error. His company talks with alarm owners after each false alarm incident to make sure they understand what happened. After repeat incidents, a technician is sent out to make sure the equipment is working properly. If the situation cannot be resolved, his company will cancel the account. This will not stop false alarms from happening, however. City facilities, schools, and churches represent less than 1% of his customer base, but create more than 40% of the false alarms. If people use the alarms as designed, there will not be a problem.

Maria Malice, President of the Arizona Alarm Association, said verified alarm policies punish everybody for the few who have issues. Normally, 20% of customers have false alarm problems, while the rest do not. The alarm industry is working to make sure that the policy is fair to all. False alarms are a problem, but most of the time it is the end user. If this pilot program does not work out, she offered to return to City Council to support a verified alarm policy.

Council Member Buster suggested requiring verified response for repeat violators. Council Member Vierhout agreed. Vice Mayor McDonald noted that alarm companies do not require a City ordinance to make second calls; they can do so on their own. Everybody pays the cost of false alarms in the form of wasted police time.

Mayor Rogers stated that once she has made a decision, she prefers not to be threatened for making it. The burden for false alarms should not be placed on residents. She would prefer a verified alarm policy, but would be willing to try a hybrid policy for one year.

City Manager Charlie McClendon indicated he will update the Council on a regular basis regarding the number of false alarms.

## 7 EXECUTIVE SESSION

- a. An executive session pursuant to ARIZ. REV. STAT. § 38-431.03 (A)(4) for discussion or consultation with the City Attorney in order to consider its position and instruct the City Attorney regarding (i) negotiations for a potential Economic Development Agreement and (ii) a potential Intergovernmental Agreement with the City of Litchfield Park regarding a potential annexation.

Vice Mayor McDonald moved to adjourn into executive session. Council Member Vierhout seconded.

### ROLL CALL VOTE AS FOLLOWS:

Mayor Lopez Rogers	Aye
Vice Mayor McDonald	Aye
Council Member Buster	Aye
Council Member Karlin	Aye
Council Member Scott	Aye
Council Member Vierhout	Aye

Council Member Weise

Aye

Motion carried unanimously.

**8 ADJOURNMENT**

There being no further business before the Council, Council Member Buster moved to adjourn the meeting; Council Member Vierhout seconded the motion.

Meeting was adjourned at 9:48 p.m.

  
Mayor Lopez Rogers

  
Carmen Martinez, CMC  
City Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Council of the City of Avondale held on the 21st day of November 2011. I further certify that the meeting was duly called and held and that the quorum was present.

  
City Clerk