

Minutes of the Work Session held February 19, 2013 at 6:01 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez Rogers and Council Members

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

ALSO PRESENT

Charlie McClendon, City Manager
Chief Kevin Kotsur, Avondale Police Department
Lt. Al Bates, Avondale Police Department

1) ROLL CALL BY THE CITY CLERK

2) ENHANCED CALL VERIFICATION – AUG-DEC 2012 UPDATE

An update detailing the activity surrounding our Enhanced Call Verification Program and our partnership with CryWolf, our third party vendor, in regards to the Alarm Ordinance and officer calls for service.

Charlie McClendon, City Manager, said the City of Avondale has collected seven months of data on the Enhanced Call Verification Program (ECVP), a false alarm reduction program. Lt. Al Bates said City has partnered with CryWolf to monitor alarms and handle registrations and false alarm fees. ECVP requires an alarm monitoring company to make two or more telephone calls to the responsible party when they receive word of an alarm before they contact the Police Department. This only applies to burglar alarms, not panic or armed robbery alarms. Owners have to register their alarms once a year for \$25. The first two false alarms within a 365-day period are free. The third is \$150, the fourth is \$200, and every consecutive one within the period is \$250.

Lt. Bates compared alarm calls for service from May through December of 2011, and from May through December of 2012. Avondale had 1855 total alarm calls for service in the 2011 period compared to 1549 in the 2012 period. The false alarm rate dropped 1% in 2012 to 98%. Actual alarm data suggests that fewer residences and businesses are being left unsecured. Since the start of the program, there have been 909 active accounts. The Police Department is aware of 539 alarm systems that have not been registered and paid for. Between May and December of 2012, Avondale charged \$31,650 in false alarm fees. Of that amount, \$11,850 in fees has been collected, and \$19,800 remains uncollected. The collection rate has increased over time.

Lt. Bates said staff recommends continuing to work with Cry Wolf to monitor alarms, to work with the alarm companies in reducing false alarms, and to assess progress after one year's worth of data has been collected.

Council Member Buster inquired about the cost to respond to false alarms. Mr. McClendon said the average cost of a false alarm is far higher than what is collected in registration fees. Council Member Buster noted that the number of false alarms has been reduced, but not to a significant degree. Lt. Bates responded that the percentage of false alarms that

the police respond to will always be high, but the goal is to reduce is the number of actual calls for service.

Council Member Vierhout felt that the data samples were too small to provide useful information. He requested data over a five-year period to reveal the overall trend. Lt. Bates said he would return with more data in the future. Council Member Vierhout asked whether some monitoring services dispatch calls for service more frequently than others. Lt. Bates responded that such data is not tracked, but it could be.

Vice Mayor Scott said he would like to know if the alarm companies are living up to their promise that they would work with the City to reduce the number of false alarms. The City should work to improve the collection rate, even if it requires an ordinance to cite them. Chief Kotsur noted that some cities have adopted a model where the police stop responding to addresses that have triggered multiple false alarms.

Council Member McDonald asked whether the City's data has been shared with the alarm companies. Lt. Bates said the new data has not been shared yet. Council Member McDonald stated that while 300 fewer calls is an improvement, the police still had to respond to more than 1500 false alarms, which pulls officers away from more important duties. The City must ask the alarm companies to improve the results. He requested data on individual companies to determine if there is a difference in performance levels. He offered to work with the schools to help reduce the number of false alarms there.

3) PROPOSED ORDINANCE – DISPOSITION OF UNCLAIMED PROPERTY IN POLICE POSSESSION

Information regarding a proposed ordinance amending the Avondale City Code Chapter 20 by adding Article IV – Disposition of Unclaimed Property in Police Possession to come into compliance with newly incorporated State Laws.

Mr. McClendon stated that a new state law provides more flexibility to the City in disposing of unclaimed property from the Police Department. The City Code must be updated to be in compliance with that law, and to take advantage of the benefits it offers. Lt. Mike Sgrillo said the changes would be made to Chapter 20 of the City Code. The Police Department has been operating under Chapter 25, the Procurement Code, Article IV, which is the Disposition of Unclaimed Personal Property. The Department has been using an internal policy requiring the disposal of unclaimed personal property after advertising in the newspaper and waiting 90 days.

Lt. Sgrillo stated that to be in compliance with House Bill 2371, staff requests a new ordinance relating to unclaimed property. This new city ordinance would allow them to dispose of unclaimed property without requiring court approval, with the exception of firearms. The changes require the Police Department to publish the notice on the City's website if the owner is unknown and the value exceeds \$150. Upon disposal, the Department could opt to retain the property for its own use, donate it to a charitable organization, sell it at public auction, or destroy it. Proceeds from sales shall be deposited into the General Fund. If the owner of the property is known, the Police Department shall send a notice informing them that they must reclaim it in 30 days. The changes would also

develop a process to resolve disputes as to ownership of property. Arrestees shall be notified that their impounded property must be claimed by the arrestee or authorized designee within 30 days. The police have 57,000 packages in inventory. The proposed changes would help them get rid of unclaimed items and keep the inventory at a manageable level.

Vice Mayor Scott said these changes are long overdue. He queried which court the petition would go through. Lt. Sgrillo responded that the petition would go through the Avondale City Court. Council Member Weise inquired about the auction process. Lt. Sgrillo said the police would use the same auction process used by the City. The disposal method would be selected based on what is deemed best for the Department.

Council Member Vierhout queried whether the process of determining the value of unclaimed property would tie up staff time. Lt. Sgrillo explained that they would work with an auction company that already has a good idea of what items are worth. Council Member Vierhout inquired about old firearms that could prove dangerous. Lt. Sgrillo responded that the auction company has the option to part out faulty firearms or repair them. Council Member McDonald said he would prefer that the police trade unclaimed property in exchange for items they need. The ordinance is long overdue.

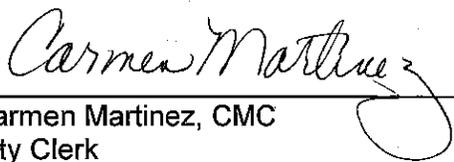
Mr. McClendon said the plan is to bring the ordinance before City Council on March 4.

4) ADJOURNMENT

With no further business before the Council, Weise moved to adjourn the work session. Council Member Scott seconded the motion. The motion carried unanimously.

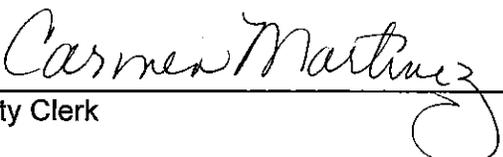
Meeting adjourned at 6:39 p.m.


Marie 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 19th day of February 2013. I further certify that the meeting was duly called and held and that the quorum was present.


Carmen Martinez
City Clerk

Minutes of the Regular Meeting held February 19, 2013 at 7:01 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez Rogers and Council Members

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

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Paul Lopez, Engineering Plan Review Manager
Daniel Culotta, Environmental Program Manager
Andrew McGuire, City Attorney

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

Linda Herring read a statement of participation regarding public appearances.

2) UNSCHEDULED PUBLIC APPEARANCES

There were no unscheduled public appearances.

3) 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 February 4, 2013
2. Regular Meeting of February, 2013

b. LIQUOR LICENSE SERIES 12 – PITA KITCHEN

A request from Reimum Shleimun for approval of an application for a Series 12 Restaurant License to sell all spirituous liquors at Pita Kitchen located at 9915 W McDowell Road # 104 in Avondale.

c. CONSTRUCTION CONTRACT AWARD – AJP ELECTRIC, INC. FOR DYSART ROAD LEFT TURN LANE IMPROVEMENTS

A request to approve a construction contract with AJP Electric, Inc. to provide construction services for the Dysart Road Left Turn Lane Improvements in the amount of \$68,336.34, authorize the necessary transfer and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

d. TOWER LEASE AGREEMENT – VERIZON WIRELESS (VAW) LLC

A request to approve a Tower Lease Agreement with Verizon Wireless (VAW) LLC dba Verizon Wireless to construct a new communication tower, authorize monthly lease payments to the City, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

e. RESOLUTION 3092-213 – INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR DIGITAL AERIAL ORTHO-PHOTOGRAPHY

A resolution approving an Intergovernmental Agreement with the Office of Enterprise Technology of Maricopa County for the purpose of cost sharing digital aerial ortho-photography in an annual amount of \$6,300 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

f. ORDINANCE 1512-213 – UTILITY EASEMENT AND AN OPERATION AND MAINTENANCE ACCESS EASEMENT TO VERIZON WIRELESS

An ordinance granting a utility easement and an operation and maintenance access easement to Verizon Wireless to serve the Verizon Wireless lease parcel area and cell tower located in the City's Coldwater Booster Station on the south side of Van Buren Street just east of the Agua Fria River Bridge, and authorize the Mayor or City Manager, City Clerk and City Attorney to execute the necessary documents.

Council Member McDonald moved to accept the consent agenda as presented including Resolution 3092-213 and Ordinance 1512-213. Council Member Weise seconded.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

4) UPDATE ON THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II MS4 PERMIT

An update on the status of the National Pollution Discharge Elimination System Phase II Municipal Separate Storm Sewer System (MS4) Permit and the implementation of the Stormwater Management Plan.

Charlie McClendon, City Manager, said the City of Avondale is required to provide an annual public update as part of the NPDES permit. Paul Lopez, Engineering Plan Review Manager, stated that the MS4 permit has been administratively continued for over six years. Avondale, as a Phase II municipality, is up for review this year. The Arizona Department of Environmental Quality (ADEQ) plans to reissue Phase II permits in 2014, and will begin having meetings in July 2013. The United States Environmental Protection

Agency (USEPA) is moving towards combining Phase I and Phase II permits. As a result, Avondale should expect increased inspections, monitoring, equipment and possibly staff to handle the requirements. Staff will be involved in the development of the permit, and will work to reduce the requirements.

Mr. Lopez said the Stormwater Management Program consists of six minimum control measures (MCMs). MCM 1 outlines public education and outreach efforts. MCM 3 consists of the Illicit Discharge Detection and Elimination Program, which currently only requires the reporting of outfall inspection results to ADEQ, but that could change under new permitting. In the past, the Engineering Department handled citizen-based complaints, but now Code Enforcement does. This has resulted in improved response times and enforcement. MCM 6 is a good housekeeping measure for public rights-of-way and facilities. MCM 2 includes a Household Hazardous Waste Day. MCM 4 consists of construction site runoff control.

Mr. Lopez noted that City Council approved a \$1 per month water meter fee in February 2012 for environmental initiatives. This generates approximately \$22,000 per month and has increased Avondale's NPDES capacity. The money has been used to hire a new Environmental Program Manager, replace old catch basin equipment, buy new equipment needed to comply with the new permit, and support environmental and sustainability initiatives.

Council Member Karlin inquired about the turnaround time once a contamination violation is reported. Mr. Lopez said Code Enforcement can respond almost immediately. Staff is trained to forward all calls to the Engineering Department for documentation, before it is sent to Code Enforcement. Mayor Lopez Rogers requested data on the effectiveness of the smartphone app for reporting violations.

In response to Council Member Buster's inquiry, Mr. Lopez said the new requirements that have caused the most concern are the permanent monitoring stations at outfall locations, which can be costly. Phase I cities must also incorporate Low-Impact Development principles into their development standards.

5) RESOLUTION UPDATE ON THE CITY'S SUSTAINABILITY PLAN AND RELATED PROJECTS

An update on the status of the City's current sustainability projects, as well as discuss the development of the City's Municipal Sustainability Plan.

Daniel Culotta, Environmental Program Manager, provided an update on Avondale's recent environmental and sustainability projects. The Solar Demonstration Project provides information on the potential benefits of solar energy to businesses and residents. It is funded through a Department of Energy block grant, and consists of a solar energy system on a parking structure west of the Civic Center Library and several informational kiosks. The system has been producing energy since January 31. Staff is exploring the placement of electric vehicle charging stations. The program could consist of several Level II chargers at the Civic Center Library, MOSC and the Northwest Public Safety Facility.

Mr. Culotta said Energy Star Portfolio Manager is a software platform from the EPA that allows for energy monitoring of individual buildings. The Civic Center campus buildings are being set up in the platform. The software will benchmark performance, identify opportunities for improvements, and evaluate results of energy management strategies. Avondale would also be eligible for energy use comparison contests, and could receive Energy Star ratings on high-performing buildings.

Mr. Culotta stated that Avondale is developing a Municipal Sustainability Plan (MSP) to develop strategies and create tools to implement and monitor them. The initial scope will be to identify priorities across the system, posting solutions to those priorities, and developing methods for monitoring progress and adapting policies over time.

Council Member Weise felt the City should determine the number of electric vehicles in the city before deciding where it makes the most sense to put charging stations without duplicating private sector efforts. Rainwater capture and greywater capture programs could serve as public demonstration projects. He prefers practical programs to feel-good efforts that make little sense. Avondale should look into partnering with an institution of higher learning.

Council Member Karlin noted that different electric vehicles require different types of charging stations, and staff should conduct research to determine which type would be most compatible with local vehicles. A charging station at the MOSC would only benefit the City, as it would be off-limits to residents. The carbon footprint offset of the energy source has to be incorporated into the cost. Lithium ion battery disposal should be factored in as well. The lack of available chargers is one factor that discourages people from buying electric vehicles.

Council Member Vierhout said solar panels should be linked to the charging stations. The League of Cities demonstrated electric bicycles that could be used by the CAT team. Electric vehicle use will not grow without the infrastructure. It is much cheaper to build structures with graywater capture pre-installed than it is to retrofit existing buildings, and they can be very effective. He inquired about expanding the use of solar panels. Mr. Culotta said he sees many opportunities for expansion, but the incentives for commercial solar were recently reduced significantly in Arizona.

Council Member Buster noted that House Bill 2799 created a voluntary Environmental Stewardship Program that will provide recognition for businesses and organizations that have a history of preventing environmental violations. The program creates incentives to encourage participation. He would like to see Avondale become part of that eventually. Mayor Lopez Rogers noted that the U.S. Conference of Mayors and the Siemens Corporation are working on environmental stewardship initiatives as well.

6) ADDENDUM NO. 1 TO THE MEMORANDUM OF UNDERSTANDING – AVONDALE POLICE ASSOCIATION

A request to approve Addendum No. 1 to the Memorandum of Understanding with the Avondale Police Association developed pursuant to Ordinance 1323-808 and authorize the City Manager and City Clerk to execute the necessary documents.

David Fitzhugh, Assistant City Manager, stated that last year City Council approved a MOU with the Avondale Police Association for FY 2012 through FY 2014. At that time, a step system was implemented to address police officers and police sergeants. Fiscal constraints prevented the City from accommodating the step system, but a provision was included allowing the APA to resubmit this year for base wage negotiations only. The APA did submit the request, and City management reached an agreement with the APA on January 31, 2013. Staff prepared an addendum to the MOU, which was ratified by association members.

Mr. Fitzhugh reviewed the key points of the addendum. The request to place members in a stepped plan based on their years and rank has been implemented. The placing of probationary employees in the step system was clarified. The amendment replaces Section 4.1 Base Wage Rate, placing members at the appropriate step based on years and rank. It also grants employees who were already at the appropriate level a one-step increase. The addendum is for one year, taking it to the end of the MOU on June 30, 2014.

Mr. Fitzhugh said the budgetary impact is about \$338,000, which will be included in the FY 2013/14 budget proposal. It also will include a mandated increase by state statute that went into effect last year, increasing contribution rates into the Public Safety Retirement Fund to about \$71,000. Staff recommends approval of the addendum.

Council Member Weise inquired whether the addendum would address the issue of officers leaving for other cities after having been trained in Avondale. Mr. Fitzhugh responded that in some regards it does. Upon successful completion of their probation, officers are granted a one-step increase. For entry level officers, Avondale is still at a disadvantage. Council Member Weise said it makes no sense to pay for officer training and still be short of officers because of retention issues. He inquired about the challenge of moving promising officers from hourly positions to salaried positions. Mr. Fitzhugh responded that officers must consider overtime as well as the base wage. The salaried positions were outside the scope of the representation.

Council Member Vierhout said the City should make an effort with the next MOU to ensure that Avondale is competitive in the market so that officers are retained. He asked about the confusion over the step system. Mr. Fitzhugh responded that attachments A and B attempt to clarify how the step system was arrived at. Vice Mayor Scott felt the addendum has clarified the confusion. Officer retention is very important to City Council. He encouraged staff and the association to keep an open mind and to address this issue in the next MOU. Mayor Lopez Rogers concurred with his position.

Council Member McDonald moved to approve Addendum No. 1 to the Memorandum of Understanding with the Avondale Police Association developed pursuant to Ordinance 1323-808 and authorize the City Manager and City Clerk to execute the necessary documents. Council Member Weise seconded.

ROLL CALL VOTE AS FOLLOWS:

Mayor Lopez Rogers	Aye
Vice Mayor Scott	Aye

Council Member Buster	Aye
Council Member Karlin	Aye
Council Member McDonald	Aye
Council Member Vierhout	Aye
Council Member Weise	Aye

Motion carried unanimously.

7) ADDENDUM NO. 1 TO THE MEMORANDUM OF UNDERSTANDING – AVONDALE PROFESSIONAL FIREFIGHTERS ASSOCIATION, LOCAL 3924

A request to approve Addendum No. 1 to the Memorandum of Understanding with the Avondale Professional Firefighters Association (APFA), International Association of Firefighters Local 3924 developed pursuant to Avondale Ordinance 1323-808 and authorize the City Manager and City Clerk to execute the necessary documents.

Mr. Fitzhugh said Addendum No. 1 was in response to a provision in the MOU between the City of Avondale and the APFA allowing the contract to be reopened for FY 2013/14 to negotiate base wage rates only. The two parties could not come to an agreement on the form of the step plan, but did reach an agreement on an across the board increase. APFA did take advantage of the provision, and an agreement was reached in January 2013. APFA members ratified the agreement on February 4. Provisions were included addressing how probationary employees, initial hires, and promotional probation employees would be moved through the plan. The addendum also replaces Section 4.1 Base Rate of Pay, creating a ten-step plan for firefighters, engineers, and captains. Employees were placed in the nearest step without loss of pay based on years of service. The addendum is valid through the term of the existing MOU, June 30, 2014. The budgetary impact is \$220,000 in addition to the state mandated retirement contribution of \$34,000. Staff recommends approval of the addendum.

Council Member Buster inquired why police and fire wage increases differed so much. Mr. Fitzhugh explained that the increases were the result of negotiations. Council Member Buster said the City should take precautions to ensure that future negotiations fit into the city's long-term budget. He supported the plan, but there has to be some give and take. Mr. McClendon responded that staff believes the increases are sustainable over time. Some years will be more difficult than others, and increases are not automatic. The intent is that employees move through the steps on an annual basis.

Council Member Vierhout asked how Avondale fire pay compares to other cities. Mr. Fitzhugh said it is fairly competitive. Mayor Lopez Rogers stated that the City Council has been very supportive of public safety. As the City emerges from the economic downturn, hopefully compensation for all staff can improve. Mr. Fitzhugh acknowledged the participation and respectfulness of all parties throughout the negotiation process.

Council Member McDonald moved to approve Addendum No. 1 to the Memorandum of Understanding with the Avondale Professional Firefighters Association (APFA), International Association of Firefighters Local 3924 developed pursuant to Avondale

Ordinance 1323-808 and authorize the City Manager and City Clerk to execute the necessary documents. Council Member Weise seconded.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

8) EXECUTIVE SESSION

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 negotiations for a potential Lease Agreement for City Center property and a potential Economic Development Agreement.

There being no objection, City Council adjourned to executive session.

9) ADJOURNMENT

With no further business before the Council, Council Member Buster moved to adjourn the Special Meeting. Council Member Vierhout seconded the motion. The motion carried unanimously.

Meeting adjourned at 8:47 p.m.


Marie 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 19th day of February 2013. I further certify that the meeting was duly called and held and that the quorum was present.


City Clerk