

Minutes of the Regular Meeting held August 5, 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
Charles Vierhout
Ken Weise

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Christopher Reams, Director of Parks, Recreation & Libraries
Lt. Michael Sgrillo, Avondale Police Department
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 UNSCHEDULED PUBLIC APPEARANCES

Tracey Franklin related her experience dealing with the City Court due to her son's suspended license. She suggested implementing a program whereby people can perform community service in lieu of paying fines. Mayor Lopez Rogers directed staff to look into the matter.

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. PROFESSIONAL SERVICES AGREEMENT – CLEAR CHANNEL BROADCASTING, INC.

A Professional Services Agreement with Clear Channel Broadcasting, Inc. to provide radio advertisements, public service announcements and on-air announcements for City of Avondale special events on an as required basis in the amount not to exceed \$70,000 annually or \$350,000 over an agreement term of five years and authorize the Mayor or the City Manager and City Clerk to execute the necessary documents.

b. COOPERATIVE SERVICES AGREEMENT – UNIFIRST CORPORATION

A Cooperative Purchasing Agreement with the Unifirst Corporation to provide city wide employee uniform rental and laundry services on an as required basis in the amount not to exceed \$60,000 annually or \$240,000 over an agreement term of four years and authorize the Mayor or the City Manager and City Clerk to execute the necessary documents.

c. CONTRACT RENEWAL – AREA AGENCY ON AGING

A request to renew Contract 2014-05-AVO with Area Agency on Aging for FY2013/2014 in the amount of \$300,564 to provide services for Congregate Meals, Home Delivered Meals, Multipurpose Center Operations and Transportation for active adults in Avondale, Goodyear and Litchfield Park; and the Vehicle Lease Agreement V2014-05-AVO with Area Agency on Aging in the amount of \$3 to lease three vehicles for the Home Delivered Meal and Transportation Operations at the Avondale Community Center and authorize the Mayor or the City Manager and City Clerk to execute the necessary documents.

d. RESOLUTION 3127-813 – RECIPROCAL BORROWING – MARICOPA COUNTY LIBRARY DISTRICT

A resolution approving an Intergovernmental Agreement between the City of Avondale and the Maricopa County Library District for the Library Assistance Program and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

e. RESOLUTION 3128-83 – INTERGOVERNMENTAL AGREEMENT WITH ADOT FOR THE CENTRAL AVENUE MULTI-USE PATH

A resolution authorizing an Intergovernmental Agreement between the City of Avondale and the Arizona Department of Transportation for the administration of the design and scoping of the Central Avenue Multi-Use Path project, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

Council Member Weise moved to accept the consent agenda as presented. Council Member Vierhout seconded.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

4 ENHANCED CALL VERIFICATION – ANNUAL UPDATE

An annual report detailing the activity surrounding the Enhanced Call Verification Program and Avondale's partnership with CryWolf, a third-party vendor, in regards to the Alarm Ordinance and officer calls for service.

Charlie McClendon, City Manager, said the City has been collecting information on the enhanced call verification program for the past year. Lt. Michael Sgrillo of the Avondale Police Department explained that the program requires alarm monitoring companies to attempt contact with alarm owners once an alarm is activated using at least two different

phone numbers before contacting the Police Department. This only applies to burglar alarms, not panic or armed robberies. There is a \$25 initial registration fee, and a \$25 annual renewal fee associated with the program. A wide variety of fee schedules have been adopted by Valley cities. In Avondale, the first two false alarms within any 365-day period receive a written notification from CryWolf to the subscriber and the alarm business. A third false alarm receives a \$150 fine. A fourth receives a \$200 fine. Every false alarm after that receives a \$250 fine.

Lt. Sgrillo noted that total alarm calls for service dropped steadily from 2,831 in the one-year period ending in April 2010, to 2,192 in the one-year period ending April 2013. This represents about a 23% decrease. The drop is attributed mainly to better informed alarm owners. He provided alarm breakdown statistics spanning a three-year period from 2010 to 2013. From May 2012 to April 2013, police made two arrests as the result of initially responding to the 47 alarms during this period, and two arrests were made as the result of following up leads.

Lt. Sgrillo said the number of active CryWolf paid accounts numbers is 1,131, which brought in \$28,275. Another 517 accounts have not been paid, which amounts to \$12,925 in fines due. CryWolf sends initial notices as well as follow-up notices. A total of \$118,925 in fees has been charged for false alarms. Total outstanding fees from false alarms are \$48,150, and total false alarm fees collected is about \$70,775. Avondale received approximately \$35,000, CryWolf \$19,000 and approximately \$11,000 went to pay process fees and credit card charges.

Lt. Sgrillo explained that failure to pay within 60 days constitutes a Class 1 misdemeanor. Between May 1, 2012 and April 30, 2013, there have been approximately 200 appeals, with a total of \$7,100 refunded. Handling these appeals is Sgt. Matt Hintz who bases his appeals decisions on the City Ordinance, and on records belonging to the homeowners, the Police, CryWolf and the alarm companies. The top 30 offenders have primarily been local businesses and schools, and only one was a residence. Agua Fria High School had 15 false alarms in the one-year period ending April 2013, accruing \$3,100 in fines. No payments have been made. La Mission Jubilee Center has had 14 false alarms with \$2,850 in fees that have not been paid. One Taco Bell franchise has had 14 false alarms, also accruing \$2,850 in unpaid fees. The Police Department still responds to top offenders. Some 621 patrol hours were spent on false alarms during the one-year period, at a cost of \$23,486. Dispatchers spent 166 hours on false alarms at a cost of \$5,401. Overall, Avondale spent a total of \$28,887, not including vehicles and gas, on false alarms.

Lt. Sgrillo recommended that the Police Department continue to monitor alarm calls for service, and continue the partnership with CryWolf for one more year to determine whether the downward trend in false alarms continues. He requested City Council feedback on whether Avondale should establish a no-response policy for frequent violators who have not paid their fines, unless there is independent verification. He also requested feedback on whether the annual fees should be reduced, and whether subsection 20-52(c) of the City Ordinance should be enforced. Should the City implement a collections policy through CryWolf or another third-party vendor?

Council Member Weise said the City should enforce its rules. Only one of the top 30 offenders was residential. Now that citizens have had more than a year to get used to the system, it is clear which ones have no intentions of paying their fines. He proposed that after three false alarms in a calendar year for a top offender, police should not respond unless it is independently verified. He also proposed that Avondale should withhold issuing a certificate of occupancy for new construction, unless Agua Fria High School pays their bill. The amount of staff time spent on false alarms could be better used in preventing crime. The City has collected unpaid bills in the past, and this task should be handled internally.

Council Member Buster said the City has tried many times to solve this problem, but the average alarm owner should not have to pay for the mistakes of a few. They are not getting anything from the existing program when they pay \$25 just to have an alarm. Only two arrests have been made in the past year. He felt the City should consider a different strategy that directly targets the repeat offenders who are causing the problem.

Council Member Vierhout inquired whether unpaid bills from commercial repeat offenders could be tied to business license renewals. Andrew McGuire, City Attorney, said tying the two together would likely require a Code revision. Council Member Vierhout questioned the need for a \$25 renewal fee, as it forces alarm owners who avoid false alarms to subsidize those who do not. He proposed raising the fines for those who violate, and removing the annual renewal fees for everyone else. Council Member Vierhout questioned the need to register unmonitored alarms since they do not result in a monitoring company calling the Police Department. Lt. Sgrillo felt all alarms should be monitored for consistency. If officers discover that an alarm is not registered, the owner is informed of the need to do so. Mr. McClendon added that CryWolf gets their alarm data from the monitoring companies, so it is unlikely that unmonitored alarms would actually pay a fee. Council Member Vierhout noted the large number of outstanding accounts despite the CryWolf service. Lt. Sgrillo explained that the fees cover processing, notification, and tracking costs.

Vice Mayor Scott noted that even unmonitored audible alarms can result in calls for service if someone in the vicinity calls the police. He agreed with Council Member Weise that the City should not have rules that go unenforced. He felt repeat offenders should not be allowed to have five or more violations. The renewal fees should be reduced. He took no issue with enforcing violations under 20-52(c). An outside collection agency might result in better results. He suggested offering an incentive, such as a renewal fee waiver to people who have not had any false alarms in three years, and proposed a two-tiered system that charges businesses a higher renewal fee than residential owners. Seniors should not have to pay any fees.

Council Member McDonald requested additional language to account for situations where multiple alarms trigger at one location in rapid succession without response from the owner. These should be treated as home invasion scenarios, regardless of the unpaid status. Assistant Chief Lynn Parkin said the Police Department responds whenever an alarm company fails to receive a response. Council Member McDonald suggested that renewal fees for owners with no fines should be waived. Repeat offenders who fail to pay their fines should not be allowed more than four violations. The City has enough to do without getting involved in collections. That task should be handled by a third party. He requested an

explanation of the 20-52(c) misdemeanor. Lt Sgrillo explained that someone with a Class 1 misdemeanor could receive an arrest warrant for failure to respond, and that could ultimately result in jail time or additional fines. Acting Chief Nannenga indicated that a responsible party for a business could also be charged.

Council Member Vierhout agreed that owners with no false alarms should not have to pay an annual renewal fee. This would give owners a positive incentive. He inquired whether the police would respond to alarms at locations that exceeded the number of allowable false alarms, if the City were to implement a no response policy. Assistant Chief Parkin responded that under a true verification system an alarm would have to be truly verified by someone in the vicinity for the police to respond.

Council Member Buster felt people with no false alarms should not have to pay renewal fees. Council Member Weise concurred. He inquired whether eliminating the renewal fee would change the terms of the City's contract with CryWolf. Mr. McGuire said he would explore whether those fees are their source of compensation.

Council Member Weise clarified that someone who receives a 20-52(c) misdemeanor would not risk going to jail for violating the alarm policy, but as the result of failing to appear in court. There should be a penalty for repeat offenders. A third party, apart from CryWolf, should handle collections. A five false alarm threshold is too high. He felt the Police Department should not respond to any alarms, apart from panic alarms or those that can be truly verified. Their primary mission is to protect citizens, not assist alarm companies.

Mayor Lopez Rogers opened the public hearing.

Ian Bingham reported receiving a delinquency notice without ever having received an invoice. The staff person he spoke to was unable to tell him when he failed his delinquency. He expressed concern about the potential of being charged with a Class 1 misdemeanor without any knowledge of it. He questioned the need to pay a \$25 renewal fee, considering he has had no false alarms in fifteen years. The law seems to have been created in response to alarm companies rather the residents of Avondale. Only one of the top 30 violators is a residence. The police should not have to spend so much time chasing false alarms when they should be protecting residents. Responsible alarm owners should not have to pay for the irresponsible ones. If a fee is charged, the money should go into a fund to pay for staff costs, not simply to service a contract.

Betty Lynch said her sense of security in Avondale have deteriorated since she first moved here in 1994. She cannot set her alarm at night without risking damage to her house in the event that first responders have to access it in a medical emergency. Peoria spent \$25,000 to purchase 600 lockboxes for spare keys. Residents were charged \$50, and all boxes were sold and installed at no cost to the City. Avondale chose to use a \$250 box for commercial purposes and provides no installation. She refuses to pay an alarm fee for no reason. Violators should pay to solve the problem.

Mayor Lopez Rogers closed the public hearing.

Mr. McClendon summarized City Council's support for waiving the renewal fee in cases where the registrant has had no false alarms during the year. He also noted their support for enforcing criminal provisions, putting frequent violators on a true verify system after four alarms, and turning collections over to the third party. He suggested that CryWolf might be the best option for collections, since the amount in question is likely too small for a dedicated collection agency to consider.

5) RESOLUTION 3130-813 – INTERGOVERNMENTAL AGREEMENT – EL RIO WATERCOURSE MASTER PLAN

A resolution authorizing an Intergovernmental Agreement between the City of Avondale, the Flood Control District of Maricopa County, the Town of Buckeye, and the City of Goodyear for the cost sharing, planning, analysis, and preparation of the El Rio Watercourse Implementation and Management Plan.

Mr. McClendon said the El Rio Watercourse plan was adopted in 2002, but it has been a struggle to implement. The IGA proposes a cost-sharing plan between four partnering agencies to help visualize the project. Christopher Reams, Director of Parks, Recreation & Libraries said the El Rio project covers a multi-jurisdictional area that is projected to be the future home of many major developments, outdoor recreational amenities, and programs. Each municipality will develop specific projects in their own area, develop cost estimates, identify sources of funding, and promote public awareness. The goal of the IGA is to define each agency's responsibilities. A long-term plan will not move forward without specific assignments.

Mr. Reams said Avondale has the smallest area within El Rio, but is taking the lead in project planning. The southeast area of the plan connects to Avondale's Tres Rios area. The plan addresses measures to deal with floods, erosion hazards, and impending development. The funding will cover the hiring of a consultant, but no construction. Avondale will procure a consultant to develop the plan. Once the plan is developed, the City of Buckeye will assume project oversight since they have most land in the El Rio area.

Mr. Reams stated that as the lead administrative agency, Avondale will be the contract administrator for the plan, collect all the payments for the consultant, and include the partners in selection of the consultant. Upon City Council approval, the next phase will be to release a request for qualifications. Partners will pay 50% of the cost share upon selection of the consultant and 50% upon completion of the plan. Buckeye will handle the day to day operations of the consultant, take public input, issue monthly progress reports, make plan submittals, and include all partners in management decisions.

Mr. Reams said the plan will include some concepts for future growth. The goal is to create interpretive trails, overlooks, signs and wayfinding. Each community will look for local state and federal coordination for different aspects of the land use in their area. The plan cost is not to exceed \$200,000, with each agency paying their equal share, however Avondale will have to appropriate from its budget the entire \$200,000 in order to manage the plan. Staff recommends approval of the appropriations transfer and adoption of a resolution.

Council Member Weise inquired whether the plan would be finished within five years. Mr. Reams responded that five years has been allotted to cover the initial phase of hiring the

consultant and developing the initial plan, but it should take less than that. Council Member Weise inquired about the meeting schedule. Mr. Reams said staff will meet as often as necessary to complete it. At certain points, monthly meetings would suffice, but occasionally more frequent meetings will be required. Council Member Weise inquired whether the plan was contingent on each city going through with their portion. Mr. Reams explained that each municipality would have to develop and attract funding for their own portion of the plan independently.

Council Member McDonald said Avondale has a good track record for taking the lead on cooperative projects, and this project might not get done otherwise. It will allow each city to understand what it is they need to do. Whether they follow through or not is completely up to each city. Council Member Vierhout inquired about plans to ensure continuity between each city's design. Mr. Reams responded that there will be consistency in terms of trail connections, but specificity will be allowed in each area. Mayor Lopez Rogers said this issue has been ongoing throughout her 17 years on the Council. Avondale's leadership will help bring the project to fruition.

Council Member Weise moved to approve the transfer of \$200,000 in appropriations and adopt Resolution 3130-813 authorizing an Intergovernmental Agreement between the City of Avondale, the Flood Control District of Maricopa County, the Town of Buckeye and the City of Goodyear for the cost sharing, planning, analysis, and preparation of the El Rio Watercourse Implementation and Management Plan. Council Member Weise seconded.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

6 EXECUTIVE SESSION

An executive session pursuant to Ariz. Rev. Stat. §38-431.03 (A)(3) for discussion or consultation for legal advice with the City Attorney(s), regarding CenturyLink's waiver request in its cable license application.

Council Member Weise moved to adjourn into executive session. Council Member Vierhout seconded.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Council Member Weise	Aye

Mayor Rogers	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Buster	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. All ayes.

Meeting adjourned at 8:47 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 5th day of August 2013. I further certify that the meeting was duly called and held and that the quorum was present.



City Clerk