

Minutes of the Work Session held February 18, 2014 at 6:02 p.m. in the Council Chambers.

**MEMBERS PRESENT**

Mayor Lopez Rogers and Council Members

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

**ALSO PRESENT**

Charlie McClendon, City Manager  
David Fitzhugh, Assistant City Manager  
Gina Montes, Assistant City Manager  
Stephen Erno, Code Compliance Manager  
Andrew McGuire, City Attorney  
Carmen Martinez, City Clerk

**1 ROLL CALL BY THE CITY CLERK**

**2 PROPOSED PROPERTY MAINTENANCE ORDINANCE**

Information on a proposed Property Maintenance Ordinance to replace the existing International Property Maintenance Code with Avondale Amendments

Code Compliance Manager, Stephen Erno, stated that the proposed Property Maintenance Ordinance codes are substantially similar to those used by other cities in the Valley. This new comprehensive code would minimize the need for future amendments, would not need to be readopted every few years, and would only require minor adjustments over time. The new ordinance is customized for the City of Avondale, whereas the existing International Property Maintenance Code (IPMC) does not focus on the needs of any one community. Avondale has had to make some substantial amendments to the old code in order to meet the needs of the community. The Code Enforcement Division would have its own primary set of ordinances. The code would be aligned with the Zoning Ordinance to some degree, providing more streamlined enforcement and case management. The PMO would have its own convenient logical code section, and will be capable of being published, which will improve clarity and transparency. The new code is designed to manage all types of neighborhoods, from new areas to challenged areas.

Mr. Erno explained some of the features of the new code. It will reduce compliance times to between ten and 30 days. The code makes cost recovery for clean and lien cases possible. It provides a process for obtaining an inspection warrant without having to rely on a police warrant. Code Enforcement will have minimum standards to properly address trees and shrubs that obstruct sidewalks and streets. The PMO defines minor and major repairs to better address excessive vehicle repairs at residential properties that negatively impact the neighborhood. Vehicles under repair must be registered to the owner or occupant of the property. This is to deal with the issue of unauthorized auto repair businesses. The new code provides enforcement remedies for excessive numbers of vehicles displayed for sale on private property. Code Enforcement will be able to issue parking tickets for vehicle type violations after notification and education attempts fail to remedy the situation. Front yards will require some type of landscaping.

Mr. Erno stated that the PMO will have a whole section to deal with rental housing issues. A comprehensive rental property ordinance will provide minimum standards for single-family, multi-family, rental complexes and mobile home park units. It is designed to protect tenants from substandard living conditions, and afford them clean and safe common areas and improved neighborhoods. All systems, fixtures and appliances must be properly installed and maintained in safe working condition. Rental units must have active utility service.

Mr. Erno explained that the proposal was presented to the Neighborhood and Family Services Commission for their feedback, and they recommended a few changes. A landscaping exemption was added for parcels with existing undisturbed natural vegetation. The animal waste disposal requirement was limited to residentially zoned properties. Agriculturally zoned properties are exempt from noxious odor restrictions. The multi-family section was modified to clarify that property owners would only have to supply local fire alarms. On January 22, the Commission unanimously recommended the ordinance to City Council for adoption.

Council Member Weise inquired whether enforcement would be complaint driven. Mr. Erno explained that enforcement would remain basically the same. Proactive enforcement is done through Avondale PROUD, which tries to monitor each neighborhood twice per year. Complaints are also received through email, online and the myAvondale app. Council Member Weise said homeowners have an obligation to their neighbors to keep their house maintained. He inquired whether the code addresses issues in backyards. Mr. Erno responded that the Constitution prevents illegal search and seizure. Backyard issues have to rise to a level where they become a nuisance for the neighborhood. In those situations, the issue must be apparent within clear view from the complainant's perspective.

Council Member Weise felt the code should include a stipulation that sets a standard for faded paint. He inquired how the code addresses temporarily stored auto parts such as a transmission or chassis. Mr. Erno said they would be treated as inoperable vehicles, but the goal is to reach compliance first, instead of enforcement or ticketing. The entire situation is considered as a whole before action is taken.

Council Member Vierhout inquired how the code would handle people who work on cars as a hobby. Mr. Erno said Code Enforcement looks at the circumstances surrounding each situation and the types of complaints that have been received. Many situations can be handled through mediation. The code has been designed to effectively deal with problem houses. Council Member Vierhout said he would hate to see the ordinance drive out UTI students who are working on cars for their course of studies. The ordinance should differentiate between frontyard and backyard auto work. The definition for major and minor auto work can be subjective, and he called for the language to be tightened up.

Vice Mayor Scott asked whether the code would address violations discovered by Animal Control. Mr. Erno said the code requires animal waste to be removed at least twice weekly, however, it is unlikely that Code Enforcement could obtain an inspection warrant for that purpose. Typically, the problem is resolved through a conversation with the resident. Vice Mayor Scott inquired about views into neighboring yards from two-story houses. Mr. Erno explained that typically, Code Enforcement would try to find other means to investigate those complaints. Vice Mayor Scott encouraged Code Enforcement to continue its policy of

using education and mediation before punishment. Some people do not have the financial means to comply. Mr. Erno responded that his division recognizes that some problems cannot be resolved overnight and some people need assistance. Education and voluntary compliance are always the top priority.

Council Member McDonald asked whether the noxious odors restrictions apply to residential areas that allow horses. Mr. Erno explained that they would be dealt with like any other residential property. Residents there are required to keep animal enclosures clean enough, according to community standards, to avoid overly noxious odors. Council Member Weise inquired about plans to work with HOAs. Mr. Erno said Code Enforcement encourages cooperation with HOAs.

Mr. McClendon said the City Council's suggestions will be incorporated into the ordinance and brought back in March or early April for action.

### 3 ADJOURNMENT

There being no further business before the Council, Council Member Weise moved to adjourn the work session. Council Member Vierhout seconded the motion, which carried unanimously.

City Council meeting adjourned at 6:40 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 18th day of February. 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 February 18, 2014 at 7:00 p.m. in the Council Chambers.

**MEMBERS PRESENT**

Mayor Lopez Rogers and Council Members

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

**ALSO PRESENT**

Charlie McClendon, City Manager  
David Fitzhugh, Assistant City Manager  
Gina Montes, Assistant City Manager  
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**

Mayor Rogers read a resolution honoring City Manager Charles P. McClendon for his 12 years of dedicated service to the City of Avondale. Mr. McClendon shared his appreciation of City Council, Assistant Managers, City Staff and his time spent in Avondale.

**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. Regular Meeting of February 3, 2014

**b. CIP BUDGET TRANSFER REQUEST – NORTHSIDE BOOSTER STATION LINE ITEM**

A request to authorize a transfer of funds to the Northside Booster Station Line item.

**c. PROFESSIONAL SERVICES AGREEMENT – ORIDIAN CONSTRUCTION SERVICES, LLC – CONSTRUCTION INSPECTION SERVICES**

A request to approve a Professional Services Agreement with Oridian Construction Services, LLC to provide construction inspection services in the amount of \$300,000 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

**d. CONSTRUCTION CONTRACT AWARD – BLUCOR CONTRACTING INC. – CENTRAL AVENUE SEWER AND WATER MAINS**

A request to award a construction contract to Blucor Contracting Inc. for construction of the Central Avenue Water & Sewer Mains in the amount of \$2,839,843.76 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

**e. SECOND AMENDMENT TO HOSPITAL BASE STATION AGREEMENT – BANNER ESTRELLA MEDICAL CENTER**

A request to approve a second amendment to the emergency base station agreement with Banner Estrella Medical Center.

**f. RESOLUTION 3163-214 – INTERGOVERNMENTAL AGREEMENT WITH THE UNIVERSITY OF ARIZONA**

A resolution authorizing an Intergovernmental Agreement with the University of Arizona, Norton School of Family and Consumer Sciences, for an amount of \$14,960 to complete a data analysis and program evaluation of the Care1st Avondale Resource and Housing Center and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

**g. RESOLUTION 3166-214 – PARKS, RECREATION, AND LIBRARIES ADVISORY BOARD**

A resolution consolidating the City of Avondale Parks and Recreation Advisory Board with the Library Advisory Board to establish a new City of Avondale Parks, Recreation, and Libraries Advisory Board and adopting bylaws.

**h. ORDINANCES 1532-214 AND 1534-214 – ACQUISITION OF ROW FOR 107<sup>TH</sup> AVENUE, VAN BUREN AND ROOSEVELT STREET**

Two ordinances authorizing the acquisition of a portion of right-of-way along 107<sup>th</sup> Avenue from and including portions of Roosevelt Street to and including portions of Van Buren Street and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

**i. ORDINANCE 1533-214 ACQUISITION OF THREE PARCELS OF ROW FOR VAN BUREN MULTI-USE CORRIDOR NEAR AVONDALE BOULEVARD**

An ordinance authorizing the acquisition of three parcels of right-of-way for the Van Buren Multi-Use Corridor located east and west of Avondale Boulevard and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

Council Member McDonald moved to approve the consent agenda as presented including Resolutions 3163-214 and 3166-214 and Ordinances 1532-214 and 1533-214. Council Member Weise seconded the motion.

**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

Motion carried unanimously

**4 APPOINTMENT OF MEMBERS TO THE CITY'S BOARD, COMMISSIONS AND COMMITTEES**

Consideration of the Council Subcommittee's recommendations for appointment to the City's Boards, Commissions and Committees.

Council Member Weise moved to approve the Council Subcommittee's recommendations for appointment to the City's Boards, Commissions and Committees as presented. Council Member Karlin 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

Motion carried unanimously

**5 MEMORANDUM OF UNDERSTANDING – AVONDALE POLICE ASSOCIATION**

A request to approve a memorandum of understanding between the City of Avondale and the Avondale Police Association (AvPA) for Fiscal Years 2014-2015 and 2015-2016, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

David Fitzhugh, Assistant City Manager, stated that the AvPA submitted their request to the City Manager in a timely manner. Staff reviewed their request and moved forward with the negotiation process. Negotiators met from November 6, 2013 through final consensus on January 29, 2014. AvPA subsequently presented the MOU to their members and it was ratified on February 10, 2014. The majority of the language from the existing MOU was reincorporated with some changes.

Section 1.4 formally prescribes the distribution of Association information. Section 4.1 addresses base rates of pay. Prior to negotiations, a market survey of neighboring cities confirmed that Avondale's entry pay was substantially below the median in the West Valley. The existing step plan was adjusted by eliminating the bottom four steps and adding four steps to the top. All members received at least a 5% increase in their contracts. The new plan creates pay classifications for police cadets and police trainees.

Mr. Fitzhugh said Section 4.2 clarifies eligible wages used as the basis for calculating specialty pay, and also clarifies field training officer assignments. Section 4.3 addresses compensatory time off, allowing accrual limits to increase. Section 4.5 was changed to allow the existing \$690 ballistic vest allotment to include vest carriers. Section 4.6 clarifies that the ten cities included in the market salary survey were Buckeye, Chandler, El Mirage, Gilbert, Glendale, Goodyear, Paradise Valley, Peoria, Surprise, and Tempe. He noted that while Avondale wants to be competitive, the actual compensation will be conditioned on how much funding is available, and the survey helps gauge the situation in the overall market.

Mr. Fitzhugh stated that Section 7.1 was modified to include domestic partners as a qualifier for the use of sick and bereavement leave. Section 10 includes a new section that prescribes a procedure for alleged breach of MOU. The intent is to try to resolve alleged breaches at the lowest possible level. The City Manager retains the final decision authority.

Mr. Fitzhugh explained that if adopted, the MOU would be effective from July 1, 2014 to June 30, 2016, and include two step increases of 5.9% in the first year and 5.4% in the second year. The MOU would be included in the FY 2014/15 budget and have an estimated \$510,000 impact for that fiscal year. The budget will also include a minor increase in City contributions to the Public Safety Retirement System (PSRS). There will be another \$491,000 increase in the second year of the agreement. Staff recommends approval.

Mayor Rogers said she believes the MOU is largely a good one. It comes at a time when other cities are cutting back on public safety. She thanked all involved for coming to an agreement.

Council Member McDonald said he likes the MOU overall, but expressed concern that the proposed wage increase exceeds 5%, even though City Council requested otherwise. The budget has to be set in a way that considers the entire city. Council Member Karlin questioned the practice of comparing neighboring cities instead of cities of the same size. The increased contributions to the PSRS were not included in the negotiations, but are an additional expense that has to come from somewhere. Mr. Fitzhugh explained that it is a mandated amount that will be reflected in the FY 2014/15 budget.

Vice Mayor Scott said City Council set a goal of a 5% increase. The MOU makes Avondale competitive for the first time in a long time. Many cities are running into issues paying for their public safety functions. City Council was elected to represent all the citizens of Avondale, not just public safety. He read passages conveying his long support for the Police Department, but said he does not want to see this issue become adversarial. He stated that he shares the City Council's concern with how the Police Association is handling matters, and proposed that the item be tabled for a future date.

Andrew McGuire, City Attorney, explained that City Council could opt to either table the motion indefinitely, or to a specific date. Business can return on any regular agenda with normal posting requirements. Council Member Vierhout said he would support tabling the item. Council Member Weise said he trusts Vice Mayor Scott's position on this item.

Vice Mayor Scott moved to table approval of the memorandum of understanding between the City of Avondale and the Avondale Police Association (AvPA) for a future date. Council Member McDonald seconded the motion.

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                      Nay

Motion carried by a five to one vote.

**6 EXECUTIVE SESSION**

- a. The Council may hold an executive session pursuant to (i) Ariz. Rev. Stat. § 38-431.03 (A)(7) for discussion or consultation with City representatives in order to consider its position and instruct its representatives regarding negotiations for the sale of real property.

Council Member Weise moved to adjourn the regular meeting into executive session. Council Member Vierhout seconded the motion.

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

Motion carried unanimously

**7 ADJOURNMENT**

There being no further business before the Council, Council Member Weise moved to adjourn the meeting. Council Member Vierhout seconded the motion. Motion was carried unanimously.

City Council meeting adjourned at 7:58 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 18th day of February. I further certify that the meeting was duly called and held and that the quorum was present.

  
\_\_\_\_\_  
City Clerk