

Minutes of the Special Meeting held June 9, 2014 at 6:04 p.m. in the Council Chambers.

**MEMBERS PRESENT**

Mayor Kenneth N. Weise and Council Members

Frank Scott, Vice Mayor  
Stephanie Karlin  
Bryan Kilgore  
Jim McDonald  
Charles Vierhout

**ALSO PRESENT**

David Fitzhugh, Acting City Manager  
Gina Ramos Montes, Assistant City Manager  
Kevin Artz, Acting Assistant City Manager  
Andrew McGuire, City Attorney  
Carmen Martinez, City Clerk

**1 ROLL CALL BY THE CITY CLERK**

**2 INSTALLATION OF MAYOR KENNETH N. WEISE**

Kenneth N. Weise was sworn in as Mayor of the City of Avondale. He took a moment to thank those closest to him, and shared his aspirations for the community.

Mayor Weise called for a short recess.

**3 INTERVIEW OF APPLICANTS FOR THE POSITION OF CITY JUDGE**

Mayor Weise indicated she had a request to speak card and asked the speaker to approach the microphone.

Otilia Diaz, an attorney in family law, expressed her support for candidate Craig Jennings with whom she has worked for many years. She said he has a strong sense of fairness, inspires loyalty in those he supervises, and is the most even-tempered person she knows.

City Council conducted interviews of the three best qualified candidates for the position of City Judge as recommended by the Judicial Advisory Board, asking the following questions:

- Alison Ferrante

*Council Member Vierhout - Please provide a brief overview of your education and work experience.*

Ms. Ferrante said she grew up in New York and attended SUNY Binghamton followed by law school at Florida State. Her career led to becoming a prosecutor for the Town of Marana, which she found rewarding. She clerked for a judge in juvenile court, spent two years in felony prosecution for Pima County, and has been with the Town of Gilbert for 13 years as a misdemeanor prosecutor.

*Council Member McDonald - Please explain your philosophy on public involvement, and tell us about your history of community service.*

Ms. Ferrante said it is important to be active in the community as a prosecutor or judge. She is a member of Gilbert's Employee Communications Committee, has been involved with the Leadership Forum, is a Board Member of the Community Link, and volunteers for a literacy program and animal rescue efforts. She works to educate the public about domestic violence and animal cruelty. Volunteering helps her to experience the community outside the confines of the courtroom.

*Vice Mayor Scott - How do you see the Avondale Court as being part of our City?*

Ms. Ferrante said Avondale is a young and diverse city with many families. A judge has to be fair and ensure that due process rights of defendants are protected. A big part of that is ensuring that they understand the process. Court can be a very intimidating place to victims and witnesses. Community involvement would help demystify proceedings. The City's leadership classes provide a good overview of the court's role in the city.

*Council Member Karlin - How would your current coworkers identify your strengths and challenges?*

Ms. Ferrante described herself as a team player who is very patient when it comes to dealing with victims and defendants, many of whom do not have attorneys. She can take a firm stance while still explaining the process to them. It is important to treat people who come into the court with empathy, and to be aware of cultural differences. She says her main weakness is volunteering too much.

*Council Member Kilgore - Tell us about a time where you had to support a legal position that in conflict with your personal beliefs. How did you handle the situation?*

Ms. Ferrante said Gilbert does not have deferred prosecution for shoplifting, whereby a person can pay a fine or do community service in exchange for the conviction being dismissed and not appearing on their record. Recently a political refugee was caught shoplifting shoes and was at risk of being sent back to his country where his life would have been in danger. She said she was able to work out a misdemeanor compromise that was more in line with his offense.

*Mayor Weise - Have you ever received positive feedback from someone who you've prosecuted or sentenced?*

Ms. Ferrante said most of the defendants she explains court procedures to are grateful for her help. She has only had one complaint, but that was from a chronic complainer. She makes it clear that once a defendant enters into a plea agreement it is really hard to undo. She maintains good working relationships with defense attorneys.

*What would you like to say in closing?*

Ms. Ferrante thanked City Council for the opportunity to speak to them.

- Craig Jennings

*Council Member Vierhout - In your opinion, what is the role of the court in assisting our citizens through the judicial process?*

Mr. Jennings felt the Court should be a place where all citizens feel safe and can turn to for help. It is a place to resolve conflicts without prejudice or bias.

*Council Member McDonald - Have you ever received positive feedback from someone who you've prosecuted or sentenced?*

Mr. Jennings said as the Prosecutor for the City of Surprise he has been thanked on several occasions, and it startled him at first. The individuals came to the court specifically to thank him for bringing about a positive change in the direction of their lives.

*Council Member Karlin - Please explain your philosophy on public involvement, and tell us about your history of community service.*

Mr. Jennings said it is important to give back to the community to make it better, especially for those in need. He encourages his children to get involved so that they are instilled with that value early. Singleton Moms, an organization that helps single parents with cancer, and Hospice of the Valley are two groups he is involved with.

*Council Member Kilgore - Tell us about a time where you had to support a legal position that in conflict with your personal beliefs. How did you handle the situation?*

Mr. Jennings explained that at the County Attorney's Office he was assigned to vehicular crimes. There were strict policy guidelines and mandatory sentencing provisions for people convicted of felony or aggravated DUI. One person appeared to have made significant changes in their life, but the conviction called for a specific sentence. He said a judge has to follow the law even if they do not agree with it.

*Vice Mayor Scott - How do you see the Avondale Court as being part of our City?*

Mr. Jennings said municipal courts are closely tied to the rest of the city and the City Council for direction and support. The court staff has to work together to take care of short-term problems while still planning for the long term. There has to be team building and cooperation between the Court and City management, other city departments and the City Council, so the working relationship must be strong to be effective.

*Mayor Weise - Why Avondale? What makes Avondale unique?*

Mr. Jennings said he grew up in the West Valley and lives there currently. He wants to see the West Valley succeed, and is excited about its future. As a career criminal trial attorney, he is familiar with the statutes and procedures, with evidence, and being in a courtroom. He has the administrative background and experience that would benefit the City. He was tasked with building up the City Prosecutor's office from one staff person to 14. This gave him significant experience in administrative, budget and personnel matters. The size of

Avondale and its court are about the same as Surprise, and he would be comfortable working in this environment. The Presiding Judge needs administrative skills in addition to being able to hear cases on the bench.

*Mayor Weise - What would you like to say in closing?*

Mr. Jennings said he is excited for the opportunity and thanked City Council for their time and consideration.

- Michael Parascandola

*Council Member Vierhout - In your opinion, what is the role of the court in assisting our citizens through the judicial process?*

Mr. Parascandola stated that the role of the court in the judicial process is to create an environment where citizens and non-citizens can feel that they can be treated with fairness, respect, dignity, and professionalism. The court has to create an environment where the rule of law will allow all parties to present their issues to a fair and impartial judge.

*Council Member McDonald - Have you ever received positive feedback from someone who you've prosecuted or sentenced?*

Mr. Parascandola said it happens all the time. He has worked in municipal courts for 20 years, and has seen many good people make bad decisions. There have to be consequences for their choices, but these should not be so severe that they cannot recover and become good contributors to society. Parents have expressed their gratitude for his help in getting them the rehabilitation they need to prevent bad behavior in the future. People appreciate being treated professionally and fairly.

*Vice Mayor Scott - How do you see the Avondale Court being part of our City?*

Mr. Parascandola explained that more people come to municipal courts than any other type of court. For many people, it is their main interaction with the City for a wide variety of reasons. The court needs to be accessible, needs to administer justice appropriately, and should be something that citizens can be proud of. The court should develop relationships with internal and external stakeholders. The court should be based on a concept of competency, transparency, and collaboration when at all possible.

*Council Member Karlin - Please explain your philosophy on public involvement, and tell us about your history of community service.*

Mr. Parascandola said he has tried to be involved in the community as much as possible for the past 20 years. He recently graduated from Valley Leadership, having worked on a project to combat sex trafficking. He has been actively involved in Leadership West. He likes to mentor students who are thinking about becoming involved in the legal profession. Other organizations he works with are domestic violence groups, MAG, Prosecutors Affinity

Group, and the New Life Center. Judges serve the community and need to understand what the community's values are in order to be effective.

*Council Member Kilgore - Tell us about a time where you had to support a legal position that in conflict with your personal beliefs. How did you handle the situation?*

Mr. Parascandola said occasionally he has seen cases where a dog at large results in a biting. Sometimes they are severe. He has had to engage in vicious dog proceedings, advocating for removal of that dog from the owner, and once had to argue for a dog's destruction. This was hard to do as an animal lover.

*Mayor Weise - How would your current coworkers identify your strengths and challenges?*

Mr. Parascandola stated that he commits himself fully to an endeavor. He tries to live a life filled with significance and not just success. He described his biggest weakness as an inability to self-promote, but he understands that it is part of the interview process.

*Mayor Weise - What would you like to say in closing?*

Mr. Parascandola said he is committed to a life of helping others and advocating for justice. If appointed to the court in Avondale, he would continue to be part of organizations that are committed to the greater good. As Presiding Judge he would create an environment of fairness, dignity, respect, and professionalism, and in which staff feels empowered to make decisions that constantly improve the organization, and where their ideas are valued. He would look to create relationships with community stakeholders to ensure that the City does the best job possible within limited resources, and be good stewards of the public's trust.

#### **4 EXECUTIVE SESSION**

An executive session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(1) for discussion regarding (i) the interviews of the finalists for the position of city judge, and (ii) the process for the appointment of a resident to fill the vacancy in the City Council.

Council Member Vierhout moved to adjourn the regular meeting into executive session. Council Member Kilgore seconded the motion, which carried unanimously.

#### **5 APPOINTMENT OF CANDIDATE TO FILL VACANCY IN THE OFFICE OF CITY JUDGE**

Following deliberations, City Council thanked the candidates for applying for the position and acknowledged the difficulty of the process. They also thanked the Judicial Advisory Board for their service. Council Member McDonald said the executive session helped him see other viewpoints he had not considered before, which shows the value of working as a group. Vice Mayor Scott said all the candidates are well qualified. Judge Lynch had the ideal demeanor for a municipal judge, and he sees some of his same qualities in all three candidates. Council Member Vierhout said the choice was a difficult one.

Vice Mayor Scott nominated Craig Jennings as the Presiding Judge for the City of Avondale. Council Member Karlin seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Nay
Council Member McDonald	Nay
Mayor Weise	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Kilgore	Nay

Motion failed by a vote of three (3) to three (3).

Mayor Weise explained that once a new Council Member is selected, City Council will have a revote.

**6 APPOINTMENT OF CANDIDATE TO FILL VACANCY IN THE CITY COUNCIL**

Mayor Weise indicated he had a request to speak from Bradley Ruggles.

Mr. Ruggles requested that City Council consider reopening the process to a broader pool of candidates. He feels he has much to offer since he has worked for municipalities and understands city operations from an employee viewpoint. He would like to be part of the leadership that guides them in decision making.

Mayor Weise closed the public hearing.

City Council discussed the process of appointing a resident to fill Council Member Weise's unexpired term. Mayor Weise noted that City Council could appoint someone from the list of candidates who were interviewed in February, or could opt to conduct a new set of interviews. Council Member McDonald said the pool of people who came to interview for the last vacancy were very good. There were two people who stood apart from the rest, and he felt the person who came in a close second should be nominated this time.

Council Member Karlin felt that City Council should reach out to the community again to see who else is interested in the position, since this appointment will be for two and a half years. The current Council works well as a team, and this is an opportunity to select someone who will make the team even stronger.

Council Member Vierhout said he is torn. He normally would support reopening the process, but the looming election complicates the situation. Council Member Kilgore concurred, noting that he too is up for reelection, and he also understands the potential problems that Council's decision could cause. He felt the candidate should come from the applications already submitted. Mayor Weise noted that two people stood out with the knowledge and the drive to be part of City Council, and felt the new appointee should come from that pool. Council Member Vierhout inquired whether any of the candidates in that pool

asked to be removed from consideration. Carmen Martinez said staff has not been in contact with any of them.

Council Member McDonald moved to appoint David Iwanski as the seventh member of City Council. Vice Mayor Scott seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Nay
Council Member McDonald	Aye
Mayor Weise	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Nay
Council Member Kilgore	Nay

Motion failed by a vote of three (3) to three (3).

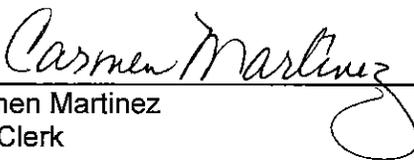
Mayor Weise stated that a tie vote means that City Council would reopen the application process to draw upon a broader pool of candidates. Ms. Martinez explained that the same process would be used as last time. Andrew McGuire noted that City Council is obligated to make an appointment within 31 days.

**7 ADJOURNMENT**

There being no further business before the Council, Council Member Vierhout moved to adjourn the regular meeting into executive session. Council Member Kilgore seconded the motion, which carried unanimously.

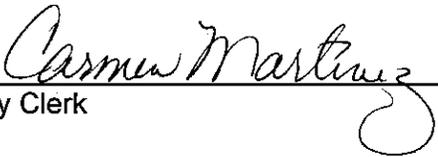
City Council meeting adjourned at 8:36 p.m.

  
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Mayor Weise

  
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Carmen Martinez  
City Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the Council of the City of Avondale held on the 9th day of June. I further certify that the meeting was duly called and held and that the quorum was present.

  
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Carmen Martinez  
City Clerk