

Minutes of the Work Session held December 1, 2014 at 6:00 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

ABSENCE EXCUSED

David Iwanski

ALSO PRESENT

David Fitzhugh, City Manager
Gina Montes, Assistant City Manager
Kevin Artz, Assistant City Manager
Christine Fanchi, Planning Department
Carmen Martinez, City Clerk
Andrew McGuire, City Attorney

1 ROLL CALL BY THE CITY CLERK

2 LANDSCAPE GATEWAY CONCEPTS AT DYSART ROAD AND MAIN STREET

Christine Fanchi, Planning Department, presented two concepts for a gateway feature at Dysart Road and Main Street/MC-85. When the Street Tree Master Plan was presented to City Council for their review on August 4, 2014, part of the discussion centered on creating a unique gateway to welcome visitors to Avondale. The chosen intersection is the predominant entryway into the Historic Avondale area. Dysart Road is scheduled to undergo a streetscape project next year. The parcel south of the railroad tracks on the northeast corner of Dysart and Main Street is owned by the City. It features turf, a few trees and a monument sign with the old branding. A traffic island there is covered in pavers. There is no direct view into Historic Avondale from this intersection, and the gateway would direct attention to the thoroughfare.

Ms. Fanchi said Concept A uses a minimalist approach with ground cover and low shrubs on the island, and ground cover and a tree canopy over a 6-foot sidewalk along the street. Small orchid trees would be located closer to the street with larger Chinese elms lining the far side of the sidewalk. The Chinese elms offer shade, while the orchid trees recall the history of Western Avondale. The chosen groundcover plants will require little water, and will be contrasted by cobble rock and concrete or brick headers. The construction cost of Concept A is estimated at about \$50,000.

Ms. Fanchi said Concept B maximizes use of the entire City-owned parcel. The design creates a vibrant sense of place using a lush and dense entry feature in addition to the tree canopy proposed in Concept A. Both concepts include a holding place for a future monument sign that will be detailed as part of the City's new wayfinding initiative. The estimated construction cost for Concept B is \$100,000.

Council Member Karlin noted that the City invested in covering and sculptures for Dessie Lorenz Park that later had to be removed. She expressed concern that the parcel, which is

near an active railroad track, will not be conducive to growing certain plant types. Concept A would be easier to maintain. She noted the irony that the orchid trees that initially lined Western Avenue were removed. A feature consisting of grasses and larger rocks would be easier to maintain. She inquired whether the trees would block the view for motorists trying to navigate the corner. Ms. Fanchi responded that sight visibility will be one of the considerations when placing vegetation and other features. The island will consist of low ground cover grasses that will not impede sight visibility. Motorists turning from westbound MC-85 to northbound Dysart already have a dedicated traffic lane.

Council Member Vierhout said both concepts are nice. He inquired about ongoing maintenance costs. Ms. Fanchi explained that the current landscaping costs about \$415 per month to maintain. Concept A would cost about \$515, and Concept B would cost about \$600. Council Member Vierhout noted that Concept B essentially could be added to Concept A as part of a phased approach. Ms. Fanchi noted that there would be an additional cost to remobilize the contractor, but phasing is a possibility.

Council Member Vierhout inquired about the number of people who walk through that intersection. Ms. Fanchi explained that MC-85 and Dysart are two of the most heavily traveled pedestrian ways in the city. This proposed design would provide pedestrians with a new crossing at Dysart and a shaded path to connect with Western Avenue. The area is intended more as a pass through area than a destination. Council Member Vierhout expressed his preference for Concept A, at least at the start.

Council Member McDonald said something has to be done to that corner, which is not very attractive now. He favors Concept A because it is less expensive and people will not spend much time in the area. Concept B could easily be added later. He inquired about the blooming period for the orchid trees. Jason Harrington of Harrington Planning + Design noted that the orchid trees only bloom for a few days in January or February each year. The Chinese elm is an evergreen tree that stays shady all year and produces no noticeable flowers. Orchid trees have larger, glossier leaves that will offer a contrasting texture and color even when they are not in bloom. The Street Tree Master Plan was the driving factor in the choice of those species, but others are available.

Council Member McDonald expressed concern about pedestrian safety if a crosswalk were to be built across Dysart Road. The feature would invite pedestrians, without safely accommodating them. Ms. Fanchi described a couple of options to slow traffic.

Council Member McDonald inquired about the future possibility of widening the intersection. David Fitzhugh, City Manager, responded that there are no plans to do so at this time. The County has proposed turning MC-85 into a seven-lane arterial, but the City decided several years ago to maintain the existing five-lane cross-section. Council Member McDonald proposed a third concept that would account for the possible future widening of MC-85.

Council Member Kilgore said he leans towards Concept A, and inquired whether the sign would be noticeable against the landscape design. Ms. Fanchi said the answer to that question would become clearer once the Signage and Wayfinding Program is approved next year. The design, size and character of the monument sign would be determined at that time. Council Member Kilgore said the sign should be visible from a distance and the

landscaping should not block the view in any way. He concurred with Council Member McDonald's view that the sidewalk could pose safety concerns.

Vice Mayor Scott said the intersection is an interesting one. Nobody walks on the east side of Dysart Road there. At least once a year a driver misjudges the turn and runs over the island. He would not make the island a pedestrian friendly space, and the vegetation there should be easy to replace. He expressed his preference for an option midway between both concepts. It should not result in a park that encourages people to linger or the same problems that occurred at Dessie Lorenz would repeat here. The intersection is an important gateway that should be more attractive, but cautioned staff against overthinking it. It would be safer to cross Dysart Road at Western Avenue or Riley Drive.

Mayor Weise said he admires the intent. Concept B would look really nice, but could lead to a repeat of the problems that occurred at Dessie Lorenz. The proposed trees fit with the Street Tree Master Plan, and the orchid trees will look beautiful when they bloom. He would do away with the crosswalk to the island. If Concept A works out, maybe a second phase could be considered in the future. It should not be a destination park. The focus should be on the monument sign, with everything else being secondary. Council Member Vierhout agreed that the crosswalk should be removed.

Ms. Fanchi reviewed Council's comments, noting that the sidewalks would be removed from the island and the corner, and adequate space would be left for a future monument sign. She stated that a monument sign could be approved in April and go into the CIP in July.

3 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 6:35 p.m.



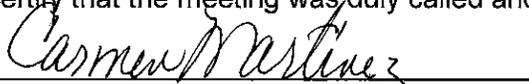
Mayor Weise



Carmen Martinez, MMC
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 1st day of December. 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 at 7:00 p.m. on December 1, 2014 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

ABSENCE EXCUSED

David Iwanski

ALSO PRESENT

David Fitzhugh, City Manager
Gina Montes, Assistant City Manager
Kevin Artz, Assistant City Manager
Rob Lloyd, CIO/Director
Ken Galica, Senior Planner
Pilar Aguilar, Assistant Director, Finance and Budget
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

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 November 17, 2014
2. Regular Meeting of November 17, 2014

b. LIQUOR LICENSE ACQUISITION OF CONTROL – FOOD CITY #83

A request from Mr. Michael J. Basha for approval of an application for Acquisition of Control of the Series 9 Liquor Store license to sell all spirituous liquors at Food City #83 located at 325 Main Street in Avondale.

c. LIQUOR LICENSE – SERIES 3 (MICROBREWERY) – 8-BIT BREWERY

A request for approval of an application for a Series 3 (Microbrewery) Liquor License submitted by Mr. Ryan Scott Whitten to be used at 8-Bit Brewery located at 1050 N Fairway Drive, F101 in Avondale.

**d. PROFESSIONAL SERVICES AGREEMENT – ARIZONA'S CHILDREN ASSOCIATION
DBA NEW DIRECTIONS INSTITUTE**

A request to the Professional Services Agreement with New Directions Institute, for Play Group Facilitator Services in the amount of \$7,500 (through June 2015) and the option of renewing for up to four additional one-year terms (\$15,000 per year) at an aggregate maximum amount not to exceed \$67,500 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**e. PROFESSIONAL SERVICES AGREEMENT – NB CONSTRUCTION FOR
COMMUNICATIONS TOWER**

A request to approve a Professional Services Agreement with NB Construction for the construction and transition to a new communications tower at the Avondale Police Detention Facility for the aggregate amount of \$131,359 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**f. CONTRACT AWARD – CS CONSTRUCTION, INC. FOR DYSART RD 12KV
UNDERGROUNDING**

A request to award a Construction Contract to CS Construction, Inc. for the Dysart Road 12kv Undergrounding Public Safety Improvements in an amount of \$ 2,042,000.00 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**g. RESOLUTION 3230-1214 – INTERGOVERNMENTAL AGREEMENT – MARICOPA
COUNTY FOR WORKFORCE DEVELOPMENT SERVICES**

A resolution authorizing a First Amendment to an Intergovernmental Agreement with the Maricopa County Human Services Department, Maricopa Workforce Connections to allow the use of the City's Executive Conference Building located at 124 S. 4th St Street in Avondale for the delivery of workforce development services for youth and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

h. RESOLUTION 3231-1214 – CITY OF AVONDALE STREET TREE MASTER PLAN

A resolution adopting the Street Tree Master Plan to achieve the overall City goals of increased shade coverage, beautification of the community, and sustainable development.

**i. ORDINANCE 1563-1214 – BUILDING LEASE – TIERRA MADRE LANDSCAPE
SERVICES, INC.**

An ordinance authorizing the lease of city-owned property located at 325 N. Avondale Blvd. to Tierra Madre Landscape Services and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**j. RESOLUTION 3229-1214 AND ORDINANCE 1564-1214 – AMENDMENT OF CITY
CODE CHAPTER 19 AND ADOPTION OF INFILL INCENTIVE PROGRAM**

A resolution declaring as a public record the City of Avondale Infill Incentive Program Amended and Restated January 1, 2015 and an ordinance adopting the same and amending Chapter 19 of the City Code.

Council Member Vierhout moved to APPROVE the consent agenda as presented.
Council Member Kilgore seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Council Member Iwanski	Excused
Mayor Weise	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Kilgore	Aye

Motion carried unanimously

4 2014 DIGITAL CITIES AWARDS NAMES CITY OF AVONDALE #1

Center for Digital Government #1 Digital City among its peers for the second year in the 2014 Digital Cities of America review.

Rob Lloyd, CIO/Director, announced that the Center for Digital Government (CDG) has named the City of Avondale as the #1 Digital City of its size for the second consecutive year. The CDG considers how cities use technology to engage their communities, improve operational effectiveness, and innovate with technology through shared services and collaborations. The survey is intensive and must be supported by documentation. The award is highly competitive, with hundreds of cities from across the nation participating. The CDG also encourages the sharing of ideas. This is the fourth year in the row that Avondale has placed in the top ten. The other top place finishers were Los Angeles, California; Winston-Salem, North Carolina; and Dublin, Ohio.

Mr. Lloyd stated that it took a citywide effort to win the award, and City Council has been very supportive of the process. Avondale uses web and social media extensively to acquire feedback from the community. The City has been progressive in its cyber security, green IT and internal cloud efforts. The level of investment in IT across the organization grows as staff continues to find new technological solutions to problems.

Todd Sander, Executive Director of the Center for Digital Government, said his organization has given out the award for the past 14 years, and it is very unusual for one city to win two years in a row. One of the factors that the judges consider is the amount of progress made year over year. The achievement is a testament to Avondale's IT team and the importance that City Council places on information technology. Technology can be part of the process of good governance. He presented the trophy to the City Council.

Council Member Vierhout commended Mr. Lloyd for involving the entire City in adopting technology to help make Avondale a good place to live. The IT effort enables residents to provide feedback to City Council. Council Member Karlin said the IT Department has excelled under Mr. Lloyd's leadership, going beyond the status quo to pursue new ideas and

the grants to support them. Mr. Lloyd credited the other city departments with coming up with the good ideas.

Council Member McDonald said people perform well when there is competition. The criteria for winning the award include community involvement and the sharing of ideas. Vice Mayor Scott said it is a remarkable achievement to win the award twice in a row. Council Member Kilgore said the IT Department is making it easier for the public to be involved in the decisions that are made in Avondale. Mayor Weise said IT epitomizes what City Council looks for in a great department. Winning the award twice in a row says something about the City of Avondale. The IT department used to stand alone with little input from other departments. Beyond winning the award for the third time, the next challenge should be to find new ways to benefit every resident of Avondale.

5 ORDINANCE 1565-1214 GATEWAY CROSSING PAD AMENDMENT (PL-14-0066)

An ordinance approving a request by Mr. Joseph Walters, Lot 7 Gateway LLC, to amend the Gateway Crossing Planned Area Development (PAD), located at the southwest corner of 99th Avenue and McDowell Road to 1) Remove/ relocate an existing 5,500 square foot pedestrian plaza on Lot 7 (located between Hobby Lobby and Claim Jumper), and 2) Increase the total site building area from 245,568 square feet to 252,271 square feet.

Ken Galica, Senior Planner, presented Application PL-14-0066 to amend the Gateway Crossing PAD. To the north of Gateway Crossing is another shopping center, Gateway Pavilions. The lot to the west is undeveloped. The City of Tolleson is to the east with additional retail, and the auto mall is to the south across I-10.

Mr. Galica stated that the property was annexed in 1986, the PAD for 29 acres was approved in 2005, and the shopping center opened in 2006. The request to amend the PAD originally had three components, but the first one, which would have allowed a thrift store there, was withdrawn earlier this year. One of two remaining components is to relocate the pedestrian plaza, which sits to the west of the Hobby Lobby. All the existing amenities, with the exception of the fountain, would remain, but be shifted into a more compact space to allow for a larger building on the site. The size of the relocated plaza would be 1,000 square feet, which is almost double the requirement for a new project. Staff believes a smaller, more optimally located plaza is preferable to the existing plaza, which is little used. The other remaining component increases the square footage of the shopping center by about 2.7% to allow for the new building. The increase would not have an impact on the operation of the center, and staff feels the development can handle the change.

Mr. Galica said the Planning Commission reviewed the case in October before the thrift store request was withdrawn. They recommended denial of the thrift store use and approval of the other two components.

Council Member McDonald asked whether the original plaza was a requirement in the original PAD. Mr. Galica explained that it was written into the original PAD by the Applicant as a way to sell the project. The City did not have open space requirements for commercial

projects in 2006. Council Member McDonald said he had no problem with making the plaza smaller, since it was never a requirement in the first place.

Mayor Weise said the shopping center attracts much business, but the plaza is rarely used. He asked whether the developer was planning to wait for a tenant before proceeding with construction of the new building. Joseph Walters, Applicant, responded.

Council Member Vierhout moved to APPROVE Application PL-14-0066, a request to amend the Gateway Crossing Planned Area Development subject to three conditions of approval and as recommended by the Planning Commission. Council Member Kilgore seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Council Member Iwanski	Excused
Mayor Weise	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Kilgore	Aye

Motion carried unanimously

6 ADDENDUM TO ALES ORDER AND MAJOR ACCOUNTS AGREEMENT – ADP, LLC

A request to authorize the City Manager or his designee to sign the Sales Order and Major Accounts Agreement with Automated Data Processing, (ADP) for human resources and payroll system services conditioned upon City Council approval on December 15, 2014.

Pilar Aguilar, Assistant Director of Finance and Budget, said ADP requires clients to sign a sales order before they can secure pricing and provide a technical team to answer questions. They are offering a promotional discount of \$108,000 if the signature is secured on or before December 1.

Ms. Aguilar said staff has been tasked with finding solutions to some of the payroll issues the City has been encountering. ADP appears to offer a viable solution, and staff would like to secure the discount and get their technical questions answered prior to making a full presentation to City Council. The sales order would include implementation fees, a time clock purchase, and annual costs totaling approximately \$144,000. The first year will require \$275,000 to secure their services and implement the project. Staff intends to make a complete presentation on the project to City Council on December 8 to explain the problems with the existing payroll system and the plan to address them.

Ms. Aguilar stated that an addendum was drafted by the City Attorney to ensure that the City's interests are protected. It provides for termination of this agreement if City Council chooses to do so. ADP initially said the actual agreement was nonbinding, but the City Attorney found otherwise. ADP subsequently clarified their services and ensured that City

Council had the ability to terminate. They agreed to cap price increases to no more than 5% per year, and required no payment until implementation is successful.

Council Member McDonald requested an estimate of the maximum cost between now and the December 15 approval vote. Ms. Aguilar responded that the City would incur no cost before that date. ADP's practice is to secure a signature before providing solutions to technical questions. Council Member McDonald questioned the need for a signature if there is no obligation and no cost. Andrew McGuire, City Attorney, said he has posed that same question to them many times in many different ways, but the response was that the discount would not be available after December 1. He felt the offer was being made to push the City into signing a contract, but that the addendum gives the City a way out. The contract would need to be ratified first, and if City Council decides to do nothing on December 15, the agreement would simply die.

Council Member McDonald said he has worked with ADP in the past and has no issue with them, but he inquired about other possibilities. Ms. Aguilar responded that initially the City was going to issue a Request for Information, but that the entire process would likely require two years to complete, and staff feels that the City does not have that much time.

Council Member McDonald asked when staff began addressing this issue. Ms. Aguilar explained that the Procurement staff put together a competitive proposal in February of 2014. Council Member McDonald asked why City Council was not made aware of the impending need for a new payroll system prior to this date. David Fitzhugh, City Manager, said the decision was his. He stated that he did not want to present a problem to City Council without having a solution in hand, and that it took time to work out a course of action with ADP. It would have accomplished nothing to present a problem of this magnitude without identifying a clear path to a solution. Council Member McDonald said he understands that approach, but stated his preference that City Council be informed of problems when they arise, with the understanding that staff may still be researching a solution for them. This has come up several times over the past year, and this experience should serve as a learning tool moving forward. City Council requires more time to fully understand options before voting.

Council Member McDonald said he opposed Waste Management's offer to take over Avondale's garbage system because of what happened to Goodyear. ADP might offer to cap increases to 5% each year, but the rates will likely rise the full 5% each time and could balloon afterwards. Ms. Aguilar responded that it is customary to request costs estimates over a five-year period so that staff can measure budgetary needs. Council Member McDonald stated that he would like the City to have some means to control costs once they go out of house. Ms. Aguilar noted that some of the fees are associated with the number of paychecks issued. If the volume exceeds initial estimates, the cost would increase.

Council Member Vierhout said he has worked with payroll systems and doubted that a solution would be found within two weeks. He inquired about the nature of the technical problem, and whether it would require a customization. Ms. Aguilar responded that staff was able to get answers to most questions, but clocking in the Fire Department staff, who work on a 48/96 schedule, has been a problem. The technical staff would evaluate if they can get the time clocks to register the schedule so that the shifts terminate at the proper

time so that payments are attributed to the correct pay period. ADP is fairly certain that some of their customizations would work in Avondale. Council Member Vierhout asked whether ADP has offered training. Ms. Aguilar responded that they have offered it at no cost at this point.

Council Member Vierhout inquired whether the modified contract has enough case law behind it to ensure the City has a good out. Mr. McGuire responded that he is as confident as he can be that this is so. The City's intent for the contract has been very well framed. Council Member Vierhout said ADP is a top payroll processor, but he disapproves of their strong-arm tactics with Avondale.

Council Member Karlin said she was aware that the fire personnel payroll was a problem. She felt ADP should demonstrate what they are capable of doing before asking the City to trust that they can solve the problem. She inquired about other options should the City reject ADP's offer. Ms. Aguilar responded that once it became clear that outsourcing would be the quickest way to a solution, staff identified ADP as being available on a cooperative purchase contract. Another company called Paychecks affirmed that they could not provide services for the firefighter schedules, but ADP believes it can be done.

Council Member Karlin asked how other cities were dealing with this issue, noting that Avondale cannot be unique in having this problem. Ms. Aguilar said ADP indicated that they did have other agencies with this type of schedule, but could not provide one as a reference. El Mirage is using ADP and is fairly satisfied with them, though she does not believe the firefighter scheduling works there either. Staff feels the situation is critical enough to require a quick solution. Council Member Karlin said ADP is essentially telling Avondale to trust that they can find a solution.

Mr. Fitzhugh reiterated that much more detail will be provided during the December 8 presentation and the contract vote will come on the 15th. He clarified that the Lawson payroll system has been a problem since the City bought it in 2008; the problem did not simply emerge over the last few months. Staff has been mired in finding ways to make it work. He clarified that it was never his intent to put City Council in the position of having to make a quick decision. The agreement with ADP is structured to allow City Council some time to review the presentation and to consider solutions before approving it. The goal is to find a solution that will serve the City's needs most efficiently and effectively. The addendum contains a clause that says the City would not pay anything until ADP can deliver what they promise and produce a program that works. The City Council does not have to sign the agreement today, but would lose out on the discount.

Council Member McDonald requested that ADP send a technical representative to the December 8 meeting, instead of a salesperson. He said he disapproves of ADP's tactic, but would approve the signature so long as no payment is required before the 15th.

Mayor Weise says he negotiates large contracts every year and feels that the clients should be in control throughout the process. He disapproves of ADP's tactic but trusts that the addendum protects the City. Avondale spent much money on the Lawson payroll system, thinking that it was going to be the solution to the problem, but it was not. City Council is frustrated that the Lawson deal has gone as bad as it has, and it tarnishes staff's credibility.

Mayor Weise said the December 8th presentation must provide all the answers. If a technical representative is not available in person, one should be available via telephone.

Council Member McDonald moved to APPROVE authorizing the City Manager or his designee to sign the Sales Order, Major Accounts Agreement and Addendum with ADP conditioned upon final City Council approval on December 15, 2014. Council Member Vierhout seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Council Member Iwanski	Excused
Mayor Weise	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Kilgore	Aye

Motion carried unanimously

7 ADJOURNMENT

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

City Council meeting adjourned at 7:58 p.m.



Mayor Weise



Carmen Martinez, MMC
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 1st day of December, 2014. I further certify that the meeting was duly called and held and that the quorum was present.



City Clerk