

Minutes of the Work Session held July 11, 2016 at 6:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Kenn Weise and Council Members

Stephanie Karlin, Vice Mayor
David Iwanski
Bryan Kilgore
Jim McDonald
Sandi Nielson
Lorenzo Sierra

David Fitzhugh, City Manager
Gina Montes, Assistant City Manager
Kevin Artz, Assistant City Manager
Kirk Haines, Parks, Recreation & Libraries Director
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1 ROLL CALL BY THE CITY CLERK

2 SPECIAL EVENTS CALENDAR FISCAL YEAR 2016-2017

Kirk Haines, Parks, Recreation & Libraries Director, presented the FY2016-2017 special events calendar. He explained that Avondale once had a very active special events program prior to the economic downturn, but this program was cut entirely to allow the City to focus on core services when they were most needed. Special events gradually began making a return as the economy recovered. Avondale contracted with Goosebump to help stage some of the new activities. Since then, events have grown in size and number. City Council's strategic initiatives include diverse and multi-generational recreational offerings and programs. Special events in Avondale have the goals of bringing the community together, and celebrating the rich cultural diversity of the community. This is the fifth and final year of the current contract with Goosebump.

Mr. Haines stated that special events are divided into three categories. Signature events generate the most attendance and participation, and enjoy the most resources. Avondale's signature events for FY 2016-2017 are:

- Billy Moore Days - October 21 & 22, 2016
- Avondale WinterFest - December 3, 2016
- Tales of Two Cities Parade and Naturalization Ceremony - February 25, 2017
- Tres Rios Nature Festival - March 4 & 5, 2017
- Avondale KidFest - April 8, 2017
- Avondale Fiesta - May 5, 2017

Mr. Haines said Billy Moore Days is incorporating the Resident Appreciation Night/GAIN event that has been conducted each October on Western Avenue. RAN/GAIN will run on Friday. An associated carnival will run for two or three days at Dennis DeConcini Park. A parade on Western Avenue will be held on Saturday morning. Entertainment will be provided on the main stage all day Saturday. This festival will bring dynamic and exciting activity to Historic Avondale for a few days. WinterFest incorporates the street lighting ceremony, snow, and Santa Claus in a one-day event in Historic Avondale. Tale of Two

Cities will experience a few changes this year, including narrowing the parade route and adjusting it to make the event site easier to access. Tres Rios will once again offer activities such as canoeing, kayaking, fishing, archery, bird watching, and entertainment over two days. KidFest at Friendship Park focuses on education, fun, games, activities, and the splash pad will be available this year. Avondale Fiesta takes place on Western Avenue and features a variety of family-oriented entertainment and activities.

Specialty events are smaller in scale and can be conducted in neighborhood areas to better connect directly with residents. The events planned for the next fiscal year are:

- Friendship Park Grand Reopening - Saturday, September 3, 2016
- Movie Night #1 - Saturday, October 15, 2016
- Mayor's Golf Challenge - Friday, November 4, 2016
- Veteran's Day - Friday, November 11, 2016
- Performing Arts Event #1 - Saturday, January 28, 2017
- Movie Night #2 - Saturday, March 25, 2017
- Performing Arts Event #2 - Saturday, April 22, 2017
- Movie Night #3 - Saturday, April 29, 2017
- Memorial Day Ceremony - Monday, May 29, 2017

The third category is for affiliated events supported by outside organizations:

- VETFest on Western Ave. - Saturday, October 29, 2016
- Dia de los Muertos at Goodyear Farms Cemetery - Saturday, October 29, 2016
- Black History Month @ EMCC

Mr. Haines stated that the total events budget is \$369,000. The City has allocated \$274,000 for special events. The difference will be made up through a variety of sponsorships, fees, and exhibitors.

Vice Mayor Karlin said events help bring the community together. It is good that the specialty events move around from year to year and include different community partners. Performing arts nights are opportunities to showcase local talent. KidFest has the potential to be greatly expanded. She inquired about the location of the Billy Moore Days carnival, and asked whether the event would feature a beer garden for adults. Mr. Haines explained that DeConcini Park and a portion of Fourth Street will provide enough space for about 12 rides without having to close the street entirely. A beer garden is being proposed, though a partner has to be found.

Vice Mayor Karlin felt that Tres Rios should be Avondale's signature piece. No other city is doing anything like it. It is the perfect opportunity to showcase what Avondale is about. The problem is that it typically coincides with the National League of Cities conference, which precludes City Council members from attending. Mr. Haines reported that the dates were checked this year and it will not conflict with the NLC. Vice Mayor Karlin suggested making a safety improvement for pedestrians accessing the event site. She said the Memorial Day and Veterans Day events are both very moving experiences.

Council Member McDonald said it is nice to see the list of events growing again. The City can add even more events as the partnerships are developed to support them. Council Member Kilgore said the movie nights are exciting. He suggested that Cashion, Rancho Santa Fe and Historic Avondale would be good neighborhoods for specialty events. He inquired about efforts to expand upon Black History Month activities. Mr. Haines said the City would be happy to participate in the planning efforts, which are led by Estrella Mountain Community College, but has not been asked to do so. Council Member Kilgore volunteered to facilitate that partnership. Mayor Weise suggested pursuing opportunities to increase the City's sponsorship in that event.

Council Member Sierra said the number of people volunteering to help make Billy Moore Days a reality has been amazing. He suggested that the third performing arts event could be a showcase for young performers of all disciplines, and proposed that Avondale start a Hispanic Heritage Month event. Council Member Nielson said that she too is happy that movie nights are returning.

Mayor Weise said that Avondale has to do Billy Moore Days right, as it is the 70th Anniversary and a good way to showcase the city. While DeConcini Park might be somewhat small, it should suffice for the first year as the public's interest in the event is measured. He inquired about expected attendance. Mr. Haines responded that the specifics of the festival are still in the early planning stages. Historically, Resident Appreciation Night has drawn around 4,500 residents. With the carnival and entertainment offerings, attendance numbers should be bigger. The parade has typically drawn between 4,000 and 6,000 participants at various times. It will be difficult to project the interest that this revival will generate, especially in the first year.

Mayor Weise said planners should be cognizant that the parade will take place in the middle of marching band season. He inquired whether fireworks are being considered for Billy Moore Days. Mr. Haines said fireworks are being considered, though many details have to be worked out to make sure it is safe and compatible with the location. Mayor Weise said the fireworks make sense since Avondale no longer does Fourth of July fireworks. He said narrowing the parade route for Tale of Two Cities will make it easier for parade participants to connect with people. The parade itself could also be shortened. He felt the movie nights will have to be well promoted to ensure that sufficient numbers attend, and that the right vendors are available.

Vice Mayor Karlin said the new additions to Billy Moore Days make it more inclusive. She noted that past budgets kept the carnival separate from the rest of Billy Moore Days. Mr. Haines explained that this year's budget does include the carnival. The carnival will not be an expense, but revenue will be generated to help cover some of the operating costs. People will pay for the rides. The carnival operator will pay a guaranteed sum of money along with a percentage of the gate fee to Avondale, and will take the remainder of the gate fee for themselves.

3 CITY COUNCIL MANUAL

David Fitzhugh said the City Council Manual is a guidebook designed to answer questions that Council Members might have regarding the City's organization. It also clearly

establishes the expectations between Council and staff and vice versa to ensure that good communication practices are followed.

Carmen Martinez, City Clerk, explained that when employees are first hired, they are given orientation and provided with policy manuals. Council Members likewise must go through an orientation process, but up to now have not had a consolidated manual to refer to afterwards. This new City Council Manual will provide a handy reference for Council Members to use throughout their term. In creating the manual, best practices from other cities were adopted. This is a good time to introduce it, since three Council Members will be elected in the next voting cycle.

Ms. Martinez said in Avondale's system of government, City Council establishes the policy, while the City Manager serves as the CEO, implementing the policy and making day-to-day decisions. The manual allows staff to carry out policies in a professional manner. The document will be flexible and mutable. Avondale understands that transparency is the cornerstone of government, and the Council Members and staff are accountable to tax payers. The manual will provide City Council with the resources necessary to make good decisions with discretionary money, while avoiding improprieties that may invite negative media scrutiny.

Ms. Martinez explained that travel is addressed as part of the discretionary funds. The money can be used for conference registration, transportation to conferences, and membership dues. It is inappropriate to use that money for expenses or entertainment related to family members. Open meeting laws are also a key part of transparency, and they are detailed in the manual. Additionally, staff is always available to answer any questions related to open meeting laws. Council's Rules of Procedures were first adopted in 2002. They provide details on Council agendas and how they are prepared, as well as boards and commissions. The new manual will not replace the Rules of Procedures, but will work together with it.

Council Member Nielson felt the time allotted to discuss the manual was insufficient, and suggested that City Council agendaize discussions for each part separately. She proposed adding a Council statement to Section 5.2 of the procedures. If the Mayor or a Council Member cannot make a meeting, a replacement should be sent instead. Ms. Martinez proposed that alternates be designated at the same time that Council Members are appointed to boards and commissions.

Council Member Nielson said all of pages 6 through 10 should be removed, with the exception of Section 4.24. Commissions and boards should be listed with bullet points instead of individual paragraphs. Regarding Section 6.3, she noted that ADA rooms have to be reserved earlier than non-ADA rooms. Section 7.4 should be changed to read that alternates can vote if they make up the quorum. They should be used when necessary and not just to fill a vacancy. Ms. Martinez said staff would look into it, but such a change would require modifying the bylaws.

Council Member Nielson felt that there should be a call for a vote on any topic that the Council discusses, and Council Members should be free to ask directors questions regarding the current agenda. Ms. Martinez noted that the Rules of Procedure would be the

appropriate forum for such details. Council Member Nielson suggested that Sections 7.4.1 and 9.5.5 should be removed completely. She inquired whether using discretionary money to cover the cost of sending cards to people in the community was appropriate. Mr. Fitzhugh said it is not an issue.

Council Member Nielson went on to say that Section 10.1 should be removed. All other cities allow their councils to ask questions directly of their department heads. Mr. Fitzhugh responded that this is an Avondale Charter issue. He clarified that Council Members are not prohibited from making inquiries of directors, but oftentimes what is intended as merely a question is interpreted as direction. In terms of efficiency, channeling inquiries through the City Manager prevents multiple departments from working on the same issue at once.

Vice Mayor Karlin stated that this handbook is a very valuable document, and she felt it would be prudent to discuss each section separately. She requested continuing this discussion to the next meeting. She noted that some cities have come up with codes of ethics, and proposed the formation of an ethics committee to discuss acceptable and unacceptable behavior in Avondale. Elected officials are held to a higher standard and are expected to be professional in gathering information and making decisions. She pointed out that discretionary funds are public money from the taxpayers, and there should be some caveats as to who that money can be given to. City Council is non-partisan, and discretionary money should not be given to organizations that may be out of line with how the public understands that money will be spent. In the past, some Council Members have engaged in questionable behavior.

Andrew McGuire, City Attorney, clarified that Charter violations are Class 1 misdemeanors. Enforcement mechanisms for ethics policies are limited. The voters have censure over City Council unless the Charter is amended. Vice Mayor Karlin questioned why this issue has suddenly become a problem now, since it has not been a problem in the past. Mr. McGuire responded that the language regarding inquiries in the Charter is open to interpretation. The view from a Council Member could be different from the view of a staff recipient. If the recipient reacts to an inquiry, it could appear like direction, which is specifically prohibited in the Charter. This proposed update is designed to ensure that this nuance does not end up becoming a Charter violation, which would be a serious matter. In most cities and towns, this type of provision lives in their codes. Staff is not proposing this change in response to a problem; it was designed to avoid problems in the future.

Vice Mayor Karlin noted that the tone of the manual starts off very light, but becomes restrictive later on. She proposed that the matter be stated differently to better express the purpose of its inclusion in the document.

Council Member McDonald said he wished he had this manual when his term started. It lays everything out in black and white, and can be changed if needed. The description of each board and commission is informative. He proposed that communications between City Council and staff be conducted via email so that multiple parties can be kept informed of what is being discussed, and the City Manager can monitor the workflow.

Mayor Weise says this manual will help Council Members who have never sat on Council before and may not have an idea of how the City runs. He agreed with previous comments

that at some point in the future City Council will need to review each section separately, and proposed that the section on the City Council/City Manager relationship be tackled first. The Charter may be open to interpretation, but it is very clear in that the City Manager dictates to department heads what is going to be done in accordance with what City Council has directed. It would benefit Avondale to look at what other cities are doing right and wrong. Communications with employees can sometimes be a gray area, and some issues require quick action that would not be possible if the City Manager's approval were required every time. Sometimes all that is needed is an answer to a question. He concurred that email communications could provide a solution. The City Manager wants to ensure that staff operates efficiently, and City Council must follow the form of government.

Mayor Weise inquired whether City Council could censure a Council Member for inappropriate behavior. Mr. McGuire explained that there has never been a censure in the 16 years he has worked with Avondale, and none that he is aware of prior to that time. City Council has the authority to publicly express displeasure, but the voters are the only ones who have a true censure under the current system. Some communities have built into their charters true ethics policies with censure authority to the council, but it is somewhat rare in Arizona.

Mayor Weise felt that it would be hard for a staff member to tell a Council Member that they have done something wrong, since their jobs are dependent on the Council's vote of confidence. There needs to be a mechanism where City Council could refer to a third party if a Council Member is supposed to be disciplined, leaving staff out of the process altogether. He said it was not long ago when Avondale's City Council was a good old boys network and some things got done that should not have happened. These policies would help protect against that happening again.

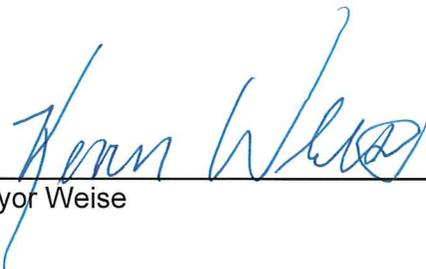
Council Member Iwanski said it would be helpful to draw a distinction for when a Council Member represents Avondale on the boards of other organizations and must interface with department directors through their regular course of action. He inquired whether a Council Member could bring a fellow Council Member's indiscretion to the attention of the City Attorney for review and recommendation. Mr. McGuire explained that anybody in the City can raise that issue. Initially, staff would review it, and if it appears to violate the Charter and runs into criminal misdemeanor territory, it could be referred to another city's Prosecutor.

Council Member McDonald welcomed a discussion to define and possibly refine the relationship between Council and the City Manager, but said if the goal is to do a restructuring, he would oppose that effort.

4 ADJOURNMENT

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

City Council meeting adjourned at 7:29 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 11th day July, 2016. 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 July 11, 2016 at 7:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Kenn Weise and Council Members

Stephanie Karlin, Vice Mayor
David Iwanski
Bryan Kilgore
Jim McDonald
Sandi Nielson
Lorenzo Sierra

ALSO PRESENT

David Fitzhugh, City Manager
Kevin Artz, Assistant City Manager
Gina Montes, Assistant City Manager
Sherie Steele, Family Services Manager
Abbe Yacoben, Finance and Budget Director
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2 SCHEDULED PUBLIC APPEARANCES

a. THE LENDING CLOSET

Former Vice Mayor Frank Scott indicated he was elected President of the Southwest Lending Closet. He has been visiting all the contributing cities to provide an update regarding the Closet's activities. He indicated that all of their expenditures are related to rent and utility bills, they do not have any paid staff members. The closet has over three hundred knee scooters, but there is a high demand for those items and there is a waiting list for those. He indicated that the biggest challenge for the Lending Closet is the size of the building and added that he is going to do everything possible to keep it in Avondale but the board is expected to make a decision in September. Former Vice Mayor Scott thanked the Council for the city's contribution which is very much needed as only about 10% of the people who borrow equipment make a donation to the Closet.

Vice Mayor Karlin and Council Members McDonald and Iwanski expressed their appreciation for the Closet's contributions to the community as they have learned first-hand the value of this group when they've had to reach out to them for medical equipment for their family members. They indicated they appreciated the kindness of the staff and the ability to borrow the needed equipment on a short term basis.

3 UNSCHEDULED PUBLIC APPEARANCES

(Limit three minutes per person. Please state your name.)

4 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 June 20, 2016
2. Regular Meeting of June 20, 2016

c. MINOR LAND DIVISION - LEGACY HOUSE AVONDALE PL-16-0111

A request by Western States Lodging for approval of a Minor Land Division of a parcel of land located east of the southeast corner of Dysart and Thomas Roads to split one parcel into two lots, provide for right-of-way and public utility easements to be dedicated to the City of Avondale, and assign a private sewer easement for future development.

d. RESOLUTION 3325-716 - AVONDALE STRATEGIC FIVE YEAR PLAN

A resolution adopting Avondale Strategic Five Year Plan. The Council will take appropriate action.

Council Member Nielson requested to pull items 4b from the consent agenda to be considered separately. City Manager David Fitzhugh indicated he needed to make a clarification on item 4e so he requested separate consideration of this item.

Council Member McDonald moved to approve the consent agenda with the exceptions of items 4b and 4e but including Resolution 3325-716. Council Member Nielson seconded the motion.

ROLL CALL VOTE AS FOLLOWS

Council Member McDonald	Aye
Council Member Iwanski	Aye
Council Member Nielson	Aye
Mayor Weise	Aye
Vice Mayor Karlin	Aye
Council Member Kilgore	Aye
Council Member Sierra	Aye

Motion was carried unanimously.

b. CONTRIBUTIONS ASSISTANCE PROGRAM 2017

A request to approve the funding recommendations made by the City Council Subcommittee for distribution of the proposed \$100,000 Contributions Assistance Program fund.

Mayor Weise indicated that the subcommittee made up of himself and Council Members Nielson and Sierra met to review the applications about three weeks ago. On behalf of Council Member Nielson, Mayor Weise mentioned they were glad to have an additional \$20,000 allocated to fund this program.

Vice Mayor Karlin commented she was glad to see that the City sets funds aside to provide assistance to these organizations. She thanked the staff and subcommittee for their work to make sure applications are reviewed and money is given to the best applicants.

Council Member Sierra thanked the staff for making the process easier for the subcommittee. He added he feels good about the contributions that are being given to

the organizations, some of which are brand new applicants that he hopes will become long term partners with the city.

In response to a question from Mayor Weise, Sherie Steele, Family Services Manager, indicated a date for the presentation of the checks will be scheduled in late July or early August.

Council Member Nielson moved to approve item 4b - funding recommendations made by the City Council Subcommittee for distribution of the proposed \$100,000 Contributions Assistance Program fund. Council Member Kilgore seconded the motion.

ROLL CALL VOTE AS FOLLOWS

Council Member McDonald	Aye
Council Member Iwanski	Aye
Council Member Nielson	Aye
Mayor Weise	Aye
Vice Mayor Karlin	Aye
Council Member Kilgore	Aye
Council Member Sierra	Aye

Motion was carried unanimously.

e. ORDINANCE 1608-716 - AUTHORIZING A LEASE AGREEMENT WITH MRG CONSULTING SERVICES

An ordinance authorizing a lease agreement with MRG Consulting Services for real property located at 765 N 114th Ave and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

City Manager David Fitzhugh indicated that while the term of the lease is correct in the lease document, the council report was incorrect and clarified that the initial term lease is for five years with a one five-year renewal.

Council Member McDonald moved to adopt Ordinance 1608-716 authorizing the lease agreement with MRG Consulting Services for real property located at 765 N 114th Ave for a term of five years with an option of a one five-year renewal. Council Member Nielson seconded the motion.

ROLL CALL VOTE AS FOLLOWS

Council Member McDonald	Aye
Council Member Iwanski	Aye
Council Member Nielson	Aye
Mayor Weise	Aye
Vice Mayor Karlin	Aye
Council Member Kilgore	Aye
Council Member Sierra	Aye

Motion was carried unanimously.

5 RESOLUTION 3324-716 - SETTING THE FY 2016-2017 PROPERTY TAX LEVY

A resolution setting the property tax levy for fiscal year 2016-2017, in the amount of \$5,917,900. The Council will take appropriate action.

Abbe Yacoben, Finance and Budget Director indicated this was the last step in the city's budget process. She indicated that the city has two property tax levies; the primary property tax levy which can only increase by a maximum of 2%. The secondary property tax is not subject to the truth in taxation but is subject to referendum. She indicated that the total rate will be going down from \$1.75 to \$1.70 but explained that within that amount there is a slight increase in the primary rate and a reduction in the secondary rate. She presented the example that has been used over the last several years valued at \$167,500 and indicated that due to increase in valuation, that property owner will see a \$4.00 increase in the property taxes he pays to the city.

Council Member McDonald moved to adopt Resolution 3324-716 setting the property tax levy for fiscal year 2016-2017, in the amount of \$5,917,900; Council Member Nielson seconded the motion.

ROLL CALL VOTE AS FOLLOWS

Council Member McDonald	Aye
Council Member Iwanski	Aye
Council Member Nielson	Aye
Mayor Weise	Aye
Vice Mayor Karlin	Aye
Council Member Kilgore	Aye
Council Member Sierra	Aye

Motion was carried unanimously.

6 ADJOURNMENT

Council Member Kilgore moved to adjourn the meeting; Council Member Nielson seconded the motion. Motion was carried unanimously.

The meeting was adjourned at 8:03 pm.



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 11th day of July, 2016. I further certify that the meeting was duly called and held and that the quorum was present.



City Clerk

