

Minutes of the Work Session held August 1, 2016 at 6:09 p.m. in the Council Chambers.

**MEMBERS PRESENT**

Mayor Kenn Weise and Council Members

Stephanie Karlin, Vice Mayor  
Bryan Kilgore  
David Iwanski  
Jim McDonald (arrived at 6:05 p.m.)  
Sandi Nielson  
Lorenzo Sierra

**ALSO PRESENT**

David Fitzhugh, City Manager  
Kirk Haines, Parks, Recreation & Libraries Director  
Carmen Martinez, City Clerk  
Andrew McGuire, City Attorney

**1 ROLL CALL BY THE CITY CLERK**

**2 CITY COUNCIL HANDBOOK**

David Fitzhugh, City Manager, presented a revised version of the City Council Handbook, containing changes made in response to comments received at the July 11, 2016 City Council Work Session. The revised manual specifically addresses the context in which communications can occur between City Council Members and staff, and attempts to address concerns that were laid out at that meeting.

Mr. Fitzhugh clarified that the City organization takes direction from City Council as a whole. In cases where individual Council Members wish to provide direction to department heads, the City Manager would first meet with that Council Member to discuss whether they wish to bring the matter before Council to see if it is something the majority wants to do.

Mr. Fitzhugh stated that Avondale runs a lean organization and all departments have minimal depth. The strategic work plan that City Council adopted is ambitious, and staff is limited in its ability to accommodate additional programs and processes while still pursuing the goals of that plan. Mr. Fitzhugh also clarified that the city has an administrative policy that prohibits City employees from participating in or contributing to any political campaign. He added that as City Manager, he follows the International City Managers Association Code of Ethics which prohibits City Managers from engaging in political partisanship or taking part in any elections. For the good of the organization, it is imperative that City Managers remain objective and maintain good working relationships with all City Council Members.

Mr. Fitzhugh noted Section 11.1.1 was added to clarify staff support for Council Members serving on boards or committees. He listed seven cities that have adopted similar handbooks that contain the same type of information that is available in Avondale's handbook. This type of information will be especially useful for new Council Members.

Mayor Weise thanked Mr. Fitzhugh for his response to City Council's concerns. He stated that the job of Council Members is very fluid and matters can arise very quickly. Vice Mayor Karlin concurred, saying the reworked document is much more palatable. She inquired about the proper procedures to follow if a Council Member wishes to point out the bad behavior of City employees. Mr. Fitzhugh responded that in such situations, it would be best

to let the City Manager know about the situation directly. Once a matter is investigated, the Council Member would receive word on how the situation was handled. Contact with department heads should be for information purposes only, and Council Members should be careful about inferring direction.

Vice Mayor Karlin noted the lack of procedures in place for addressing Council Members who engage in misbehavior. Mr. Fitzhugh responded that during his time with the City of Avondale, the overwhelming majority of Council Members have found ways to manage their differences and make the right decisions. Some past councils were dysfunctional and would undermine their fellows without getting anything done. Mayor Weise agreed that recent City Councils have avoided the problems that have occurred in the past, but he felt it would be appropriate to proactively address this matter by establishing procedures to help prevent them from occurring again.

Council Member McDonald said he approved of the handbook changes, but encouraged caution. The handbook is intended simply as a guide. Council/staff communications should go through the City Manager. He felt it would be a waste of time to discuss the inclusion of disciplinary measures against fellow Council Members in the handbook, as there are better ways to approach that problem. Mayor Weise agreed, clarifying that when it comes to a Council Member or Mayor who has stepped out of bounds, staff cannot get involved. It would be up to the City Attorney to handle the matter. There are some boundaries that the Council cannot cross however, and currently Avondale has no mechanism to handle that situation. It's not a pressing issue, as the current City Council behaves professionally. Council Member McDonald disagreed, saying it shouldn't be addressed at all. For Council to put a policy in place to discipline themselves makes no sense, he felt, as Council changes every few years and could change the policy at any time.

Andrew McGuire, City Attorney, noted that statutorily, Council Members do not have the authority to sanction one another; only the voters do. Council Members can publically express disagreement with the behavior of their fellows, but cannot dole out punishment without voter sanction. Mayor Weise asked how other cities have handled the problem. Mr. McGuire responded that in the 21 years he has represented cities and towns, only on three occasions have councils taken action to publically disapprove of bad behavior. However, they were unable to issue penalties. Behavior issues are typically addressed individually amongst Council Members, and generally the problems in the past have stemmed from simple ignorance rather than intent. If it becomes a big problem, a recall election would come first.

Council Member Nielson suggested that 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. Mr. Fitzhugh said he condensed the descriptions in Section 4.9 Development Regulations, Plans and Guidelines. Council Member Nielson suggested that Section 5.2.3 should outline that a vote be called on any topic Council is discussing. Council Members should be able to ask directors questions regarding the current agenda. Mr. Fitzhugh said he must ensure that all Council Members receive the same information. Mayor Weise felt that the board and commission descriptions were acceptable, especially for recruiting purposes, and for explaining their purpose to new Council Members.

Council Member Iwanski inquired whether a Council Member who misses an executive session would be able to get information after the meeting. Mr. McGuire said they typically are provided a separate presentation. Meeting minutes are also made available for their reference. The actual discussion would not be available.

Vice Mayor Karlin suggested that the handbook provide a summary of the topics that City Council is allowed to discuss at executive session. Mr. McGuire noted that the seven acceptable topics: personnel; labor unions; legal advice; real property; Indian communities; contracts; and litigations, could be added.

Council Member Kilgore felt that the board and commission descriptions were fine. The handbook is thorough. He proposed language explaining the meaning of abstentions. Mr. McGuire noted that the Council Rules and Procedures document addresses abstentions in detail. He proposed adding a reference in the handbook to point to the corresponding spot in rules. Council Member Kilgore suggested an app that directly links to this information.

Council Member Sierra felt the handbook should explain proper decorum for addressing the City Council. Mr. Fitzhugh noted that a number of those tips are included in the Council Rules and Procedures, which talks about appropriate ways for the public and staff to address City Council and vice versa. Mayor Weise encouraged veteran Council Members to help train the newcomers. Mr. Fitzhugh said training opportunities are available to new Council Members through the Arizona League of Cities. The new handbook is designed to support Avondale's own orientation effort.

#### 4 ADJOURNMENT

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

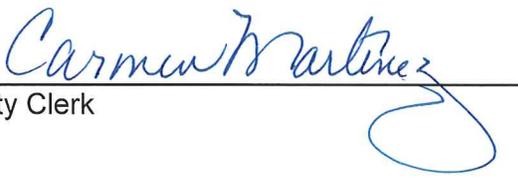
City Council meeting adjourned at 6:46 p.m.

  
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Mayor Weise

  
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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 August, 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 August 1, 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  
Mark Neerings, Acting CIO/IT Director  
Jessica Blazina, Assist Director/Intergovernmental Affairs  
Andrew McGuire, City Attorney  
Carmen Martinez, City Clerk

**1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK**

**2 UNSCHEDULED PUBLIC APPEARANCES**

There were no requests to address the Council.

**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. Special Meeting of June 20, 2016
2. Work Session of July 11, 2016
3. Regular Meeting of July 11, 2016
4. Regular Meeting of July 18, 2016

**d. RESOLUTION 3327-816 - GRANT AGREEMENT WITH FIRST THINGS FIRST SOUTHWEST MARICOPA RESIGIONAL PARTNERSHIP COUNCIL**

A resolution approving a grant agreement with the First Things First Southwest Maricopa Regional Partnership Council to receive \$175,000 for services to be provided to families with children younger than age five, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**e. RESOLUTION 3329-816 - INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF REVENUE - TRANSACTION PRIVILEGE TAX**

A resolution approving a modification to the Intergovernmental Agreement with the Arizona Department of Revenue to transition to State for collection of transaction privilege tax and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Vice Mayor Karlin requested to pull Items 3b and 3c to be considered separately.

Council Member Kilgore moved to approve the consent agenda with the exception of items 3b and 3c and including Resolutions 3327-816 and 3329-816. 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. PROFESSIONAL SERVICES AGREEMENT - BADALI DESIGN COMMUNICATIONS FOR GRAPHIC DESIGN SERVICES**

A request to approve a Professional Services Agreements with Badali Design Communications for graphic design services for a maximum annual amount of \$20,000 and a maximum aggregate amount of \$100,000 and authorize the Mayor or City Manager and City Clerk to execute all documents.

Vice Mayor commented that she wanted to clarify for the public that the proposed agreements for graphic designs were for an amount up to \$100,00 but that does not necessarily mean that the maximum amount will be spent.

Vice Mayor Karlin moved to approve the Professional Services Agreement with Badali Design Communications for graphic design services. 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.

**c. PROFESSIONAL SERVICES AGREEMENT - SEVEN TWO SIX, INC. FOR GRAPHIC DESIGN SERVICES**

A request to approve a Professional Services Agreement with Seven Two Six Studios, Inc. for graphic design services for a maximum annual amount of \$20,000 and a maximum aggregate amount of \$100,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Vice Mayor Karlin moved to approve the Professional Services Agreement with Seven Two Six, Inc. for graphic design services. 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.

**4 COOPERATIVE PURCHASING AGREEMENT INSIGHT PUBLIC SECTOR, INC.**

A request to approve a Cooperative Purchasing Agreement with Insight Public Sector, Inc. for technology products, services, and solutions in an amount not to exceed \$975,000 annually for a total aggregate amount not to exceed \$4,875,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Mark Neerings, Acting CIO/IT Director explained that in order to ensure that all of the city's technology related purchases are compatible with the city's infrastructure, the IT Department coordinates and authorizes with all city departments and authorizes technology purchases. This cooperative purchasing agreement will allow staff to secure the best pricing for purchases. Mr. Neerings explained that funding for purchases will come from the technology replacement budget.

Council Member McDonald asked if the city's equipment was up to date. Mr. Neerings replied that the equipment is currently up to date and is on a five-year replacement cycle to ensure everything is current. In response to a follow-up question, Mr. Neerings explained that retired equipment is either donated to local schools or sent to auction; hard disks are destroyed.

In response to a question from Council Member Sierra, Mr. Neerings explained that an amendment to the agreement will be brought to council for their consideration should it be needed due to exceeding the contract amount.

Council Member Nielson moved to approve a Cooperative Purchasing Agreement with Insight Public Sector, Inc. for technology products, services, and solutions in an amount not to exceed \$975,000 annually for a total aggregate amount not to exceed \$4,875,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. 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.

**5 2017 LEAGUE OF ARIZONA CITIES AND TOWNS RESOLUTIONS**

City Council review, discussion, and direction on the proposed resolutions which will be voted on at the August 23, 2016 League of Arizona Cities and Towns (LACT) Resolutions Committee meeting.

Ms. Jessica Blazina, Intergovernmental Affairs Manager/Assistant Director of Community Relations explained that Mayor Weise will represent Avondale at the Resolutions Committee meeting to be held during the League of Arizona Cities and Towns' annual conference. She explained that the seven resolutions that will be considered have been reviewed and recommended by the policy committees. She noted that Vice Mayor Karlin represents Avondale in the Budget, Finance, and Economic Development, the Neighborhoods, Sustainability, and Quality of Life and the General Administration, Human Resources and Elections Committees. Council Member Nielson sits on the Public Safety, Military Affairs and Courts Committee.

Regarding the resolutions, she explained that Avondale staff is recommending that the city remain neutral on the proposed resolution to seek legislation to create the Economic Development Reimbursement Authority (EDRA) system for infrastructure and improvements. This resolution is being brought back by the City of Surprise who is trying to resolve some of the issues that were of concern last year.

Another resolution is proposing to explore options to create funding solutions and/or financing authority to deal with PSPRS unfunded pension liabilities. This will primarily apply to small communities who have those unfunded liabilities. Staff is recommending support for this resolution.

Ms. Blazina explained that the League created a construction sales tax taskforce that has been meeting to create a workable, mutually beneficial construction sales tax reform. She concluded that staff is recommending support of this resolution.

Keeping in mind that the state's military installations are important economic development centers and create considerable revenue to the state, staff is recommending that the city continues to show support for the presence of military installations in the state and particularly in the west valley with Luke Air Force Base.

Council Member Iwanski thanked the Mayor, Vice Mayor and Council Member Nielson for their participation in the committees.

Mayor Weise commented that his concerns regarding EDRA have not changed and asked if the proposal has gained more support in the legislature. Ms. Blazina replied that she is aware that work has been ongoing on this issue, but does not know what level of support there is.

City Attorney Andrew McGuire commented that at the moment he does not believe it is possible for that resolution to move forward as similar legislation has been declared unconstitutional in the past.

**6 EXECUTIVE SESSION**

An executive session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(1) for discussion regarding the City Judge's annual evaluation.

Council Member Nielson moved to adjourn to executive session; 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.

**6 ADJOURNMENT**

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

The meeting was adjourned at 8:18 pm.

  
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Mayor Weise

  
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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 1<sup>st</sup> day of August, 2016. I further certify that the meeting was duly called and held and that the quorum was present.

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

