

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
October 16, 2023

A **Work Session** of the City Council of the City of Avondale, Arizona was convened at 11465 West Civic Center Drive in open and public session at 5:33 p.m.

Members Present: Mayor Kenn Weise; Vice Mayor Mike Pineda; Council Members Tina Conde, Veronica Malone, Curtis Nielson, Gloria Solorio and Max White.

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, City Manager; Cherlene Penilla, Assistant City Manager; Tracy Stevens, Assistant City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Barbara Coppage, City Auditor; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Bryan Hughes, Parks and Recreation Director; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Andy Mesquita, Human Resources Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Director; Abril Ruiz-Ortega, Court Administrator; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; and Renee Weatherless, Finance and Budget Director.

Audience: No members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. INTEGRITY LINE

City Council received a presentation from the City Attorney regarding the operation of the Integrity Line. This item was for presentation and discussion only.

Nicholle Harris, City Attorney, presented a background of the Integrity line, which was created at the direction of the City Council in May of 2022. It was established and incorporated into the personnel policies to provide employees with a method for reporting areas of concern like non-compliance, fraud, waste, abuse, or illegal activity. The line is managed by a third-party vendor as it was a priority of City Council to have the reports taken by someone outside of the City, so employees feel comfortable reporting. Reports are accepted 24 hours a day and 365 days a year.

The Integrity Line is only for employee use and not available to the public. Reports can be made anonymously to the Integrity Line telephonically using the 1-800 number or online. Ms. Harris provided examples of tips made through The Integrity Line in surrounding cities. Situations related to 911 emergencies, security, or any personnel related matters such as interpersonal disputes, and interdepartmental conflicts should

follow normal protocols. Complaints of discrimination, harassment, and retaliation should be reported to HR.

Upon making a report to the Integrity Line an email is automatically generated to the review panel for review. The review panel, which consists of the City Attorney and City Auditor determines based on the information provided if a violation exists. If action is required, the information is sent to the appropriate department for further investigation.

Statistical information related to Integrity Line shows the first report for the City of Avondale was received in July 2022. A total of 13 reports were made during FY 23, all of them were employee personnel-related matters and handled by HR. The first report for FY 24 was received two weeks ago and was also an employee personnel-related matter.

Proposed changes to the Integrity Line

- Adding the City Manager to the review panel
- Moving Integrity Line to be under the City Auditor, instead of the City Attorney along with the \$10,000 budget. Only \$1,700 has been expended from the budget for answering services.
- Amending language in the policy to City Auditor instead of City Internal Auditor

In response to a question by Mayor Weise, Barbara Coppage, City Auditor, stated it is common for personnel issues to be reported through an Integrity Line.

In response to a question by Council Member Malone, Ms. Harris stated extensive marketing materials for the Integrity Line were distributed to City departments upon implementation; however, a QR code was not included. Council Member Malone recommended staff use a QR code to provide for easy access to the website address. Ron Corbin, City Manager, stated employees from various City departments have utilized Integrity Line, showing the information is readily available. A QR code can be added the next time materials are printed.

In response to a recommendation by Council Member Solorio, Mr. Corbin stated information will be included in the new employee orientation program and mentioned during quarterly staff meetings.

In response to a question by Council Member Conde, Ms. Coppage stated at this time, the City Auditor's department will be able to handle the Integrity Line reports as a majority of the requests are personnel related. If an extensive investigation is required, she would work with the Audit Committee to reschedule audits and/ or ask for assistance from another City department to allow focus on the Integrity Line investigation.

In response to a question by Council Member White, Ms. Harris clarified the majority of the requests were submitted through the website. Mr. Corbin stated current trends show employees would go to HR directly to report violations. Council Member White stated the

integrity line seems valuable for HR related complaints for those who are not comfortable going to the Human Resource department. Mr. Corbin explained the last two complaints filed were what the City is looking for as they provided detailed information and cooperation to justify an investigation. Ms. Harris noted other cities have three or four members on their review panel.

Mayor Weise concurred with the proposed changes and stated he finds Integrity Line a valuable resource for employees.

Mr. Corbin stated this will come before the Council as part of the Consent Agenda at the first meeting in November.

3. POLICE TAKE-HOME VEHICLE PROGRAM

City Council received information regarding a police take-home vehicle program. This item was for discussion only.

Memo Espinoza, Police Chief, provided the background of the take-home vehicle program for sworn officers. He reviewed the benefits of a take-home vehicle program:

- Recruitment and Retention – It has been difficult to fill Police Department vacancies, which is not exclusive to Avondale. Many agencies have created incentives such as the take-home vehicle program. Five of the nine West Valley agencies have either implemented this program or are looking into it. Based on recently conducted research and surveys, it was determined 93% of the current staff stated they would take advantage of the program. This would provide would equate to a 5-7% pay increase depending on where the officer resides.
- Crime Deterrence – Studies show an increase in police presence discourages criminal activity; a tactic that has been used for decades by the Avondale Police Department. The nine West Valley agencies are fighting crime from a regional perspective using task force, advocacy centers, and the academy. Officers from other agencies that participate in a take-home vehicle program reside in Avondale and allowing an officer to take an Avondale vehicle into another city would be considered a deterrence trade-off.
- Damage Accountability – The reality is damage is going to occur to a police vehicle. With only one individual driving, accountability will rest on that sole driver and it can be properly addressed.
- Improved Maintenance and Appearance – Studies show when a vehicle is issued to a single employee, they take better care of it, as witnessed by the vehicles that are currently taken home.

- Extended Life of the Vehicle – Currently, vehicles are driven by multiple individuals for approximately 100-150 hours per week. With one driver the vehicles would only be driven for approximately 50 hours per week.
- Faster Response Time – Currently, officers who are not assigned a take-home vehicle must respond to a crime scene or provide coverage in their personal vehicle or go to the station and hope there is a vehicle available for use. If they had their own vehicle they could respond faster as the need to obtain a vehicle from the station would be eliminated.

The only drawback to the take-home program is the associated costs. Presently, the fleet has 86 marked units and 36 unmarked units. The take-home program would require an additional 37 marked units and 7 unmarked units. If the program is approved, vehicles would be ordered now for delivery in FY 25.

There is a current take home policy in effect for those units that qualify. Anyone who lives more than 20 miles outside of the City boundaries does not qualify. Eight officers would not qualify for a take-home vehicle.

Harold Siguenza, Assistant Director of Public Works, presented the budget impact of a take-home vehicle program, as the police services division is within Public Works. There are unknowns regarding the take-home vehicle program and the estimated costs are based on an average of costs associated with the current fleet.

Ongoing Operating Cost

- \$205,400 is the one year estimated costs for additional maintenance and repairs, including one additional mechanic at the fleet shop. Presently, the fleet shop does not have room for a seventh technician. Alternative options such as outsourcing would need to be considered. However, this could create an increase in downtime.
- \$211,200 is the one year estimated additional fuel cost

Capital Cost

- \$2,946,000 is the estimated cost for purchasing 37 marked vehicles and 7 unmarked vehicles. The last fully outfitted marked vehicle purchased was \$73,000, while the unmarked vehicle cost \$35,000.
- \$550,000 is the estimated budget amount for additional funding for annual replacement costs and would be built up over time.

In response to a question by Council Member Malone, Mr. Siguenza stated the department work with the Finance and Budget Department to determine additional ongoing capital costs.

Mr. Siguenza continued through the status of the fleet shop.

In response to a question by Council Member White, the fleet shop is in operation Monday through Thursday from 5:00 am to 3:30 pm. A second shift could be added, but it would require a supervisor, parts specialist, and technician.

Other considerations:

- Supply Chain – With the slowdown in vehicle production it will take a while to phase in the purchase of these additional vehicles.
- Insurance – Any vehicle under \$100,000 is covered under the City's self-insured policy and there is no anticipated increase in premium costs. However, there are some unknown risks with the take-home program.

Mr. Corbin noted the vehicles will be purchased over three years, which will allow both the size and staffing at the fleet shop to grow and to explore alternative options for providing service to the fleet.

In response to questions from Council Member Malone, Mr. Siguenza clarified that the \$211,000 in added fuel cost is an estimate for the new vehicles only. Chief Espinoza stated the take-home program has been a topic of discussion within the police department for many years and has come to the forefront as a possible incentive for retention and recruitment like other West Valley agencies. Officers assigned to Litchfield Park would not qualify for this program but would have the option to transfer to a station that does. Mr. Corbin stated he started the conversations on the take-home program. The program would not compete with salaries but could compete with one-time benefit costs. In fact, a 5% salary increase is already calculated in the future projections. The effect this program will have on recruitment/retention and deterring crime is significant for the City. An explanation of budget projections over the next three to four years was discussed.

In response to a question by Council Member Malone, Chief Espinoza explained the current process for when an officer is starting a shift and their vehicle is occupied.

In response to Council Member Conde's question, Chief Espinoza stated the small percentage of officers not interested in the program was related to officer preference.

Council Member Solorio stated she supports the program. In response to Council Member Solorio's question, Mayor Weise explained the City previously had other priorities such as capital infrastructure and parks, and the program was overall cost prohibitive. With a change in leadership, direction, and priorities, it has become a priority now. Mr. Corbin stated the City has sufficient one-time funds available to support this program without taking from other priorities.

In response to questions from Council Member White, Chief Espinoza clarified the current take-home vehicle policy applies to 30-35 vehicles and explained the difference in appearance and uses for marked and unmarked cars. Upon explanation of the 20-mile radius policy, Mr. Corbin stated amending the policy to a 25-mile radius would be looked at internally.

In response to Council Member Nielson's questions, Chief Espinoza explained when a shift begins based on current policy, which is either upon entering city limits or clocking in at the station using ADP. Based on historical data and a void in personnel, five spare vehicles are sufficient. Presently, when a new officer position is requested, it includes one half of a vehicle.

Vice Mayor Pineda opinioned that City Council should support the interest in this program as it will aid in the retention of current officers, especially understanding finances are available to support it. One concern is the unknown liability between an officer's home and work. Mr. Corbin clarified funding of the program and upcoming budget challenges.

Mayor Weise expressed concern with recurring costs, not only for the take-home vehicle program, but planned infrastructure, such as the aquatic center and Alamar Fire Station.

Mayor Weise stated the Council is in favor of the program and asks for updates as it progresses.

The meeting recessed at 6:46 pm and reconvened at 6:56 pm.

4. CITY COUNCIL CODE OF CONDUCT

City Council received a presentation regarding revisions to the adopted City Council Code of Conduct. This item was for presentation and discussion only.

Torin Sadow, Senior Management Analyst, presented a history of the City Council Code of Conduct. The Avondale City Council Code of Conduct was first adopted in January 2021. The document was prepared by the City Manager's Office and approved as a Consent Agenda Item at the January 19, 2021, City Council Meeting. As part of this year's 2023 City Council Work Session, the Council requested that staff revisit the City Council Code of Conduct. The revised Code of Conduct represents a research and review collaboration between the City Manager's and City Attorney's Offices to ensure that the document best fits the needs of Council and the community.

The existing Code of Conduct was organized into five sections.

1. General Duty of Council Members. This includes key requirements for Council members, such as compliance with legal requirements, policies, procedures, conduct of Council members, and decision-making guidance.

Mayor Weise recommended a change with the verbiage "Public Meetings" to encompass public gatherings. He also recommended making changes to the Code of Conduct to ensure the City Council Members act ethically outside of their official duties. The conduct of members' expectations must be clear for current and future Council Members.

Mr. Corbin clarified the intent was to limit the code of conduct to City Council meetings and public official duties as the Avondale City Council do not have the authority to remove a member of City Council from office.

Council Member Malone disagreed with Mayor Weise's recommended changes and supported the changes presented by Mr. Sadow.

Council Member White commented on the need to be mindful of and compliant with State and Federal requirements. Ms. Harris clarified the Council is self-governing and must enforce compliance among each other. A second recommendation is to reference professional conduct standards in the Arizona Revised Statutes. Mr. Corbin clarified the general statement states they will comply with the Arizona Statutes and laws.

Council Member Nielson spoke about the importance of creating a document that will last years from now.

Ms. Harris clarified the Code of Conduct encompasses all State, Federal, and local laws. The Code of Conduct is self-governing, and the City Council must enforce the document upon themselves.

Council Member Solorio presented the point of City Council being required to take an Oath of Office.

Mr. Corbin explained any specific language related to the conduct of members must be recommended and approved by all Council members.

Mayor Weise requested more specific language; however, there was a general consensus of the City Council to keep the presented language.

2. Council Member Conduct with City Staff. This section outlines Council Member roles as policy makers in addition to Council Member impact on attaining the City of Avondale's positive work environment for employees, citizens, and businesses that work with the City.

In response to Council Member Nielson's comments, Mr. Sadow clarified that the handbook is being revised and will come before the Council at a future date.

3. Council Member Conduct with the Public. This section addresses the way in which Council Members interact with members of the public on behalf of their constituents and their role as advocates of the Avondale community.
4. Council Member Conduct with each other. This section provides guidance regarding Council Members' interactions with one another, respect for City Council rules of

procedure, respect for one another, and the information each Council Member may be privy to. In addition to compliance with and enforcement of this code of conduct.

In response to Council Member Nielson's comment, Mr. Corbin clarified any pertinent information provided to a Council Member by a member of the community must ethically be shared with all Council Members. Possible rewording will be reviewed.

In response to Council Member White's comments, Mr. Corbin explained the Arizona State Statute that is referenced is also a criminal offense to influence election outcomes. Ms. Harris stated it was included for reference purposes but can be removed and made more general.

Council Member White raised a concern related to the compliance and enforcement of fellow council members. Specifically, with a majority and supermajority votes, sanctions, removal from the position, and censure can be imposed. Mr. Corbin stated the Council appoints fellow members and there is a biannual renewal process. The Council has the authority both to appoint and to remove. This section links that authority to the Code of Conduct. This is a tool for the Council to regulate each other publicly and to make a statement.

Council Member Malone provided background on why B and C were initially added to the Code of Conduct.

A discussion ensued among the Council Members that concluded with a direction to remove compliance and enforcement subsections B and C.

5. Definitions

Mr. Corbin stated with the recommended changes and clarifications this part of the presentation is not necessary. The Code of Conduct will be brought before the Council as an agenda item at a regular meeting in December.

Ms. Harris stated the current version of the Code of Conduct was adopted in 2021.

5. NON-DISCRIMINATION ORDINANCE

City Council received a presentation on research requested by City Councilmembers regarding the possible creation of an Avondale Non-Discrimination Ordinance (NDO). This item was for presentation and discussion only.

Torin Sadow, Senior Management Analyst, provided an overview of research and feedback from comparable Valley communities about their experiences in adopting and enacting non-discrimination / anti-discrimination ordinances. At the conclusion of the presentation the Council is asked to provide feedback and guidance regarding establishing such ordinances in Avondale.

Adopted criteria include the community must have an established non / anti-discrimination ordinance and the community must be within the Phoenix Metropolitan Region. Research conducted included paths taken to establish and enact the ordinance, experiences since adoption, obstacles, and recommendations. The outcome of this research includes

- The importance of using recommended terminology.
- The purpose of the ordinance is to create a space for residents to submit their discrimination complaints to the city and have them addressed.
- Obstacles include policies being leveraged by individuals to lodge inaccurate complaints due to personal strife.
- The burden of proof is difficult to obtain as complaints are often made by an individual to an individual.
- Key ordinance provisions. Note not all provisions are included in a city's ordinance and each city has a different selection of provisions
 - Fair Housing, Public Policy, Private Sector Employment, Public Accommodations, Public Sector Employment, Protective Hairstyles (Crown Act)
 - Each ordinance includes a list of unlawful practices that include prohibiting the practices of discriminating against a person, including restricting or refusing access based on discriminating criteria as set by the law.
 - Some included a provision for internal employees to utilize the complaint process.
 - Inclusion of language regarding jurisdiction of the complaint and the right to transfer the jurisdiction to the correct authority, such as the Equal Employment Opportunity Commission and the Department of Justice.

Research related to caseload determined Phoenix to be the outlier with an average of 255 complaints received annually. Complaints, including those from sworn public safety personnel, are processed internally through the Equal Employment Opportunity Department, which partners with outside entities as needed. In contrast, Scottsdale and Tempe had seven or less complaints and Glendale, Mesa, and Tolleson have not had any complaints since inception.

Mr. Sadow provided an overview of details related to the structure of the ordinance within the comparable cities, inclusive of the complaint filing, review, and decision-making process and penalties.

In response to a question by Mayor Wiese, Mr. Corbin stated the proposal is for anyone doing business or having a connection in the City of Avondale.

Mr. Sadow explained the Crown Act applies to protective hairstyles and prohibits an individual from being discriminated against based on the hairstyle(s) they maintain. Ms. Harris explained the Crown Act only applies to state agencies.

Mayor Weise commented that discrimination on all levels is bad and the public will decide whether to support a business based on their values and morals. Putting a member of

leadership in a predicament of adjudicating what is right and wrong without proper skills or training should not be done.

Vice Mayor Pineda was not in favor of a Non-Discrimination Ordinance as he does not believe the City should be filling the gaps between State and Federal laws. He concurred with Mayor Weise on not wanting to put a member of the City leadership in such a predicament.

Council Member Solorio provided support for developing the ordinance, noting it puts the City ahead of the times and provides a point of pride because they accept everyone and have a diverse community.

Council Member Malone stated she can see both sides and understands it is a point of pride due to the diversity of the community. It shows that the City is accepting of all. She noted other communities that have adopted such an Ordinance and it tells the community they are welcome.

Council Member Conde states she also sees both sides and believes people already see a point of pride with Avondale due to the diversity of the City Council and the businesses. She believes it opens other areas of concern since the City has never received a prior complaint.

Council Member Nielson recommended pushing the issue back onto the businesses.

Council Member White provided statistical information from Census.gov and the Government Accountability Office related to minorities within Avondale, noting the data shows racism is a problem and the main driver for terrorism. She noted adopting an Ordinance now will help address future issues as 10% of the population is black, according to Census.gov. She aimed to the point that people are asking the right questions, so it is time to address them.

Mr. Corbin refocused the Council to obtain direction on the next steps going forward.

- City Council support bringing an Ordinance forward for an official vote.
- Staff's preference is to have complaints filed online through.
- City Council agreed a new full-time employee with Diversity, Equity, and Inclusion experience should be created to handle the complaints. Mr. Corbin stated the Human Resource Department cannot handle the additional workload at this time.
- It was the majority of City Council to not obtain public outreach on the creation such Ordinance; however, public outreach will be done after the Ordinance is created.
- The Council does not want penalties and prefers education. Ms. Harris explained all ordinances have penalties associated with them, but they can be tailored.
- City Council would like another Work Session on this issue.

Mayor Weise reminded the Council whether they agree or disagree, in the end they need to come together on this issue.

6. ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the Work Session meeting; Council Member White seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

Meeting adjourned at 8:30 p.m.


[kenn weise \(Dec 4, 2023 19:28 MST\)](#)
Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

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 16th day of October 2023. I further certify that the meeting was duly called and held, and that the quorum was present.


Marcella Carrillo, City Clerk

November 20, 2023
Date Approved by City Council