

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
ONLINE MEETING
December 23, 2021

A **Special Meeting** of the City Council of the City of Avondale, Arizona was convened using the Zoom Cloud Meeting platform in open and public session at 2:00 p.m. All participants attended by phone or video.

Members Present: Mayor Kenn Weise; Vice Mayor Veronica Malone; Council Members Tina Conde, Pat Dennis, Bryan Kilgore, Curtis Nielson, and Mike Pineda.

Members Absent: None.

Other Municipal Officials Present: Cherlene Penilla, Assistant City Manager; Tracy Stevens, Deputy City Manager; Lindsey Duncan, Deputy City Manager; Nicholle Harris, City Attorney; Mary Grace McNear, Deputy City Attorney; Steve Kemp, Attorney II; Marcella Carrillo, City Clerk; and Pier Simeri, Marketing and Public Relations Director.

Audience: Approximately 30 members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. EMPLOYMENT AGREEMENT WITH CHARLES A. MONTOYA

City Council discussed and took action to terminate the employment agreement with Charles A. Montoya as City Manager with cause, effective immediately and to direct the City Attorney to take all necessary steps to implement such action.

Nicholle Harris, City Attorney, provided a brief staff report, noting that the legal analysis determines that cause exists under Subsections 3.1 of the employment agreement which states that City Council may terminate the agreement with cause and pay no severance if the City Manager has: (c) Either in his personal or professional capacity, severely damaged the reputation of the City or the City Council or otherwise substantially impaired the City's ability to maintain or attract businesses; and (e) Caused or allowed any practice activity decision or organizational circumstance which is either illegal, immoral, imprudent or in violation of the ICMA Code of Ethics.

Ms. Harris explained that the legal analysis has been provided to City Council through the City Council Report that is uploaded to the agenda packet. The proposed motion is based on a determination by City Council that Mr. Montoya has engaged in prohibited action. Under Subsections 3.1 C and E and such actions constitute a basis for termination of his employment agreement with cause.

Council Member Nielson requested the City Council Report be corrected to reflect the correct date of the Executive Session meeting (December 22, 2021).

Council Member Dennis moved to terminate the employment agreement with Charles A. Montoya as City Manager with cause, effective immediately and to direct the City Attorney to take all necessary steps to implement such action; Vice Mayor Malone seconded the motion.

Council Member Dennis thanked the employees of the City for their continued service to the Avondale residents.

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

Council Member Conde	Aye
Council Member Dennis	Aye
Council Member Kilgore	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Malone	Aye
Mayor Weise	Aye

3. ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the Special Meeting; Council Member Kilgore seconded the motion.

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

Council Member Conde	Aye
Council Member Dennis	Aye
Council Member Kilgore	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Malone	Aye
Mayor Weise	Aye

Meeting adjourned at 2:05 p.m.


[Kenn Weise \(Feb 9, 2022 18:16 MST\)](#)

Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the Council of the City of Avondale held on the 23rd day of December 2021. I further certify that the meeting was duly called and held, and that the quorum was present.


Marcella Carrillo, City Clerk

02/07/2022
Date Approved by City Council