

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
August 26, 2024

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 West Civic Center Drive in open and public session at 5:31 p.m.

Mayor Kenn Weise led the Pledge of Allegiance, followed by a moment of silent reflection.

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; Tracy Stevens, Assistant City Manager; Katie Gregory, Assistant City Manager; Dale Nannenga, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Sarmiento, City Clerk; Kirk Beaty, Public Works Director; Barbara Coppage, City Auditor; Cheryl Covert, Interim Economic Development Services Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Julie Knoll, Deputy City Clerk; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Andy Mesquita, Human Resources Director; Kimberly Moon, Engineering Director; Jodie Novak, Development Services Director; Abril Ruiz-Ortega, Court Administrator; Dave Wagner, Assistant Fire Chief; Mark Neerings, Assistant Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately 15 members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. PRESENTATION ITEMS (DISCUSSION ONLY)

a. NEW EMPLOYEE INTRODUCTIONS

The following new employees were presented to City Council. This item was for discussion only.

City Manager's Office

- Katie Gregory, Assistant City Manager

Court

- Andrea Sanchez, Court Clerk I
- Juliana Ramirez, Court Clerk I

Finance and Budget Department

- Nayeli Carranza, Finance Specialist

Human Resources Department

- Greg Lacquement, Safety Officer
- James Corlis, Risk Manager

Office of Public Safety

- Jill Kruger, Policy & Procedures Analyst

Public Works Department

- Jazmin Alarcon, Customer Service Rep.
- Anthony Orona, Water Distribution Opr.
- Willie Hall, Wastewater Collections Opr.
- Christopher Ruelas, Wastewater Collections Opr.
- Ryan Gehret, Environmental Technician

b. WAYFINDING MASTER PLAN AMENDMENT – GATEWAY MONUMENTS

City Council received an update from staff regarding the Gateway Monument Design. This item was for discussion and feedback only.

Kimberly Moon, Director of the Engineering Department, provided an introduction of the item. She explained that in June 2023, City Council requested an updated design and the identification of new locations for gateway monuments. Ms. Moon introduced Rick Carr, CIP Division Manager, to present the updated design and additional locations. Additionally, Adam Hockins, a representative from J2 Engineering and Environmental Design.

Mr. Carr provided an overview of the Wayfinding Master Plan developed in 2015 that included branding, slogan, themes, funding, and feedback from City Council in June 2023. The four monuments currently installed are located at the SW corner of 107th Avenue and Indian School Road; the NW corner of 99th Avenue and McDowell Road; the SW corner of Dysart Road and Indian School Road; and the SW corner of Avondale BLVD and I-10. The monuments are 12-feet high and 3-feet wide and depict Avondale's logo, color, and cotton theme. Based on City Council's comments, the size of the monuments, materials, and adding "welcome to" would be evaluated.

Initially, local and national monuments were evaluated to determine design precedence that includes size, materials, character, font and letter size, and distinctive elements. A proposed vertical version is 27-feet high, internally lit, includes "welcome to," and has elements unique to Avondale such as the spirit bird or plants and animals from the Base & Meridian Wildlife Area. The horizontal version is 18-feet high, 18.6-feet wide when the right-of-way allows, and 7–8 feet above the landscape. This version also offers the same unique elements as the vertical sign but includes the Estrella Mountains.

Thirteen potential locations were studied, which resulted in five proposed locations. Those locations include:

- A vertical monument at the NW corner of 99th Avenue and Van Buren Street
- A horizontal monument at the SW corner of 107th Avenue and Buckeye Road
- A vertical monument at the NW corner of 107th Avenue and Lower Buckeye Road
- A horizontal monument at the SW corner of 107th Avenue and Broadway Road
- A horizontal monument at the SE corner of Dysart Road and Thomas Road

There is funding within the current CIP funding to install one monument this fiscal year, and going forward, the plan would be to install one monument each fiscal year.

Council members were given an opportunity to ask questions and comment. In response to questions, Mr. Carr explained wayfinding signs do not typically have "welcome to" on them; however, Goodyear does include it on their signs. The corners of Indian School Road and 99th Avenue or Thomas Road can be considered as monument locations; however, the Parkside Development will be installing the

previous wayfinding sign with the Avondale logo, colors, and cotton theme. The signs are secure and will last unless they are damaged by wind, an object, or vandalism, at which time they will be replaced.

Ms. Moon explained the maintenance of the monuments is covered under the Engineering Department's sign budget. Mr. Carr explained "Welcome to Avondale" will be internally lit on both monuments, and the graphics will also be lit on the vertical ones. The estimated cost is between \$80,000 and \$120,000 per monument. Mr. Corbin responded to the mayor's request to install more signs each year if the budget allows, explaining the many signs that are installed each year.

All Council members commended and expressed their appreciation to Mr. Carr on the presentation, the proposed designs, and locations which responded to the Council's request.

3. UNSCHEDULED PUBLIC APPEARANCES

None.

4. CONSENT AGENDA

Mayor Weise asked if any Council Member wished to have an item removed from the Consent Agenda. Council Member White requested agenda item 4c be removed for separate consideration. A motion was made by Council Member Malone, seconded by Council Member Solorio, to approve the Consent Agenda with the exception of agenda item 4c.

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

- a. SERIES 12 (RESTAURANT) LIQUOR LICENSE – APSARA ASIAN RESTAURANT**
City Council recommended approval to the Arizona Department of Liquor License and Control of an application for a Series 12 (Restaurant) Liquor License submitted by Vuthy Touch for the sale of alcohol at Apsara Asian Restaurant located at 10555 W Indian School Road Ste D101-102 in Avondale and authorized the City Clerk to execute the necessary documents.

b. FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF AVONDALE AND AVONDALE PROFESSIONAL FIREFIGHTERS' ASSOCIATION LOCAL 3924

City Council amended the Memorandum of Understanding (MOU) between the City of Avondale and Avondale Professional Firefighters Association (APFFA) Local 3924 to: a) incorporate language allowing the option for represented employees to participate in recruitment and retention programs implemented by the City Manager and offered to represented employees in accordance with the program's requirements and conditions set forth in policy and forego eligibility and participation in the Productivity Pay as outlined in the MOU; and b) remove the reference to the "DRAFT Avondale Fire & Medical Labor/Management Process" document in Section 12.1.B and incorporate language indicating that the final document has been collectively approved by the APFFA and the Fire Chief as of May 28, 2024, and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

c. RESOLUTION 1084-0824 – AUTHORIZING GRANT ACCEPTANCE FROM THE U.S. DEPARTMENT OF TRANSPORTATION FOR SAFE STREETS AND ROADS FOR ALL

This item was pulled from the consent agenda for further discussion. Item is listed below in more detail.

d. RESOLUTION 1085-0824 AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES, CHAPTER 7, DRUG & ALCOHOL POLICY

City Council adopted Resolution 1085-0824, amending the Personnel Policies and Procedures, Chapter 7, Drug & Alcohol Policy to add "certified detention officers" to the list of job titles that may be subject to unannounced random screening for illegal drug use and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

e. RESOLUTION 1086-0824 AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES, CHAPTER 17, SEPARATIONS

City Council adopted Resolution 1086-0824, amending the Personnel Policies and Procedures, Chapter 17, Separations to add a section outlining a process for considering and approving rescissions of employee resignations or retirements and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

f. ORDINANCE 2025-0824 – ABANDONMENT OF A PUBLIC UTILITY EASEMENT ON CITY PROPERTY

City Council adopted Ordinance 2025-0824, authorizing the abandonment of a 26-foot-wide public utility easement generally located north of The BLVD and east of Avondale Boulevard, and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

g. FINAL PLAT OF LOT 3 OF AVONDALE STATION – PL-23-0228

City Council approved Application PL-23-0228, a request by Beus Gilbert McGroder, PLLC, on behalf of Avondale Owner, LLC, for approval of the Final Plat of Lot 3 of Avondale Station generally located west of 99th Avenue and north of the Encanto Boulevard alignment and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

NOTE FROM THE CITY CLERK: THE FOLLOWING ITEM WAS PULLED FROM THE CONSENT AGENDA TO BE VOTED ON SEPARATELY:

c. RESOLUTION 1084-0824 – AUTHORIZING GRANT ACCEPTANCE FROM THE U.S. DEPARTMENT OF TRANSPORTATION FOR SAFE STREETS AND ROADS FOR ALL

City Council a) adopted Resolution 1084-0824, accepting grant funding from the U.S. Department of Transportation for the Safe Streets and Roads for All program in the amount of \$560,000; b) authorized and directed staff to take all steps necessary to cause the execution of the Agreement and to carry out the purpose and intent of this Resolution; and c) authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

Ms. Moon provided an overview of Resolution 1084-0284, the acceptance of a grant from the U.S. Department of Transportation for Safe Streets and Roads for All, also known as SS4A. The funding assists with the development of plans, policies, and improvements for safer people, roads, and vehicles as well as appropriate vehicle speeds and improved post-crash care. The SS4A has two grant program funds:

1. A planning and demonstration grant for comprehensive safety action plans, including supplementals, safety planning, and demonstration activities to create an action plan (AP)
2. An implementation grant to implement strategies or projects identified in the existing AP

The City of Avondale applied for the planning and demonstration grant in July 2023 and was awarded \$560,000 with a City match of \$140,000. A consultant will be brought in to assist the City develop an AP, and then it will move to the implementation of minor demonstration projects.

Council members were given an opportunity to ask questions and comment. Mr. Thoutam explained once the action plan is completed and there are major projects, they plan to apply for the Implementation grant.

Council Member White expressed gratitude for the presentation, as she felt it let the residents know federal funds are being sought to address concerns related to the roads and traffic.

Council Member White moved to: a) adopt Resolution 1084-0824, accepting grant funding from the U.S. Department of Transportation for the Safe Streets and Roads for All program in the amount of \$560,000; b) authorize and direct staff to take all steps necessary to cause the execution of the Agreement and to carry out the purpose and intent of this Resolution; and c) authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

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

5. REGULAR AGENDA

a. MOBILE FOOD VENDORS

City Council received an update from the Office of Public Safety and the Code Compliance Division regarding Mobile Food Vendors. This item was for discussion and feedback only.

Joshua Perez, Code Compliance Manager, discussed mobile food vendors, code compliance processes, and how concerns are addressed. Within the ordinance, a mobile food vendor is defined as a readily moveable establishment that dispenses food or beverages from any vehicle. In accordance with ARS Chapter 28, the vehicle must be permitted to operate on a public highway. Chapter 13 of the City Code was updated in October 2022, no longer requiring a mobile food vendor to have an Avondale business license to operate within the City.

Mr. Perez provided an overview of specific districts in which mobile food vendors can and cannot operate. Commercial office districts, general industrial, freeway commercial district, etc. are approved areas. Residential zones or within a 250-foot radius of a residential zone are nonapproved areas. There are specific restrictions mobile food vendors must follow to include not parking or operating from unpaved surfaces and can only park or sell where street parking is permitted. Additionally, mobile food vendors cannot sell within a right-of way, and no canopies, tables, chairs, free standing signs, or portable restrooms are permitted unless for a special event. Maricopa county Environmental Services require mobile food vendors to receive permits and certificates to operate and sell.

An overview of the compliance process was provided, noting Code Compliance responds to all service requests and proactively contacts mobile food vendors when found out of compliance. The Avondale Police Department will assist with the

concerns on the weekend. Initially, the vendors are educated on the policies, provided a brochure, and asked to voluntarily leave the area.

Education is also provided to property owners when a vendor is in an approved location. They are advised of the vendor operating there, and the property owner can give them permission or ask them to leave. Code Compliance also works with property owners to complete an authority to trespass and ask them to install “no trespassing” signs to assist the police department with enforcing the no trespassing and act as a deterrent.

Code Compliance works collaboratively with Maricopa County Environmental Services and sister cities to bridge communications with Avondale residents. Additionally, they ensure vendors have their issued permit or certificate and notify Maricopa County with required information when necessary.

After receiving education and a verbal warning, if a vendor or property owner still do not comply, they are issued a notice of violation court action, which could result in a misdemeanor.

Statistics show there have been twelve or less vendor concerns, with seven or less cases initiated and only one notice of violation issued as well as no civil citations over the past three years. Revealing the Code Compliance staff have been able to provide customer service and educate the mobile food vendors as well as receive voluntary cooperative compliance for them to leave the area.

Council members were given an opportunity to ask questions and comment. In response, Mr. Perez explained the specific change to the ordinance in 2022 was to not require business permits for mobile food vendors because they did not have a fixed location. Mr. Corbin advised, at staff’s request, City Council approved the change because the City does not have the ability to conduct background checks. Therefore, a business was defined as having a fixed location.

Mayor Weise discussed his concerns related to reported illnesses that are connected to unpermitted street food vendors and wanting to be proactive instead of reactive. The vetting process should not rely solely on the county. Someone selling food out of their minivan or back of their truck is of concern compared to a vehicle that is purposely built to prepare, cook, and distribute food within health guidelines. Another concern is related to economic development and the mobile food vendors undercutting business from restaurants that have gone through the permitting process.

Mayor Weise asked for the rules on what is considered a mobile food vendor to be firmed up including establishing a specific location and days for the food trucks to operate. An additional area of concern is residential kitchens, where food is prepared in and distributed to 50–100 people from someone’s home kitchen. Mr. Corbin addressed Mayor Weise’s concerns, noting State Law and the county rules dictate what the City can and cannot enforce, such as permitting and inspecting a food license or enforce anything on it because that is done through Maricopa County. State Law

prohibits the City from prohibiting locations other than residential areas, but with direction from the Council, we will work with the legal team to come back with some possibilities related to commercial areas. The kitchen in a residential area was not agendized, and staff is not prepared to discuss it this evening. Mayor Weise discussed the Cottage Food Bill, which was part of HB 2509. This bill allows flexibility from the City in collaboration with the county.

In response to Council Members' questions, Mr. Perez explained if an HOA, school, or business wanted to utilize a mobile food vendor for a special event, they would be required to obtain a special event application and site plan to Parks and Rec and receive a permit. There is a process and permit through Parks and Rec for vendors to be at a designated location within the City Park or City event.

Council Member Conde discussed the benefit of food trucks, including how it brings the community together and is a starting place for those who cannot afford a brick-and-mortar establishment. She encouraged the City to find a safe place for the trucks to gather, such as the previously discussed Festival of Fields.

In response to Council Member questions, Mr. Perez explained that obtaining a special event permit includes approvals to operate within residential zones. This process is presently being utilized within the City. Mr. Corbin explained it would be difficult to obtain a count of how many of the special event permits were issued due to a mobile food vendor because they are issued for multiple events. A brief discussion ensued related to the food being old as part of a fundraiser. Mr. Perez noted an ice cream truck does not require a peddler's permit because they are constantly moving. Any requests related to an ice cream truck are forwarded to the Police Department. Complaints generally relate to someone selling food, which triggers a code compliance officer to first determine if the location is approved or not and take the appropriate steps from there, including monitoring the location to ensure compliance.

Mr. Corbin explained the City does not have a standing location at this time where a vendor can just set up. They can be put in contact with Parks and Rec to get on the distribution list for special events. They can currently go to any commercial district and set up without a permit but must receive the owner's permission. He noted vendors would be provided with pertinent information and how to get on the vendor list.

Mr. Perez explained the flyer notes specific districts and contact information so they can call with any questions. He noted food trucks are permitted on the street so long as they are outside of the 250-foot residential radius. Mr. Corbin recommends obtaining a special permit for any special events. He explained the City of Avondale does not have a health department or staff trained to conduct health inspections to ensure gloves are worn, food is at the right temperature, or safe practices are followed. This would all be conducted at the county level. However, we do ask to see their county food permit and report them to the county if they didn't have one.

b. PAVEMENT MANAGEMENT PROGRAM UPDATE

City Council received an update from staff regarding the City's Pavement Management Program. This item was for discussion and feedback only.

Harold Siguenza, Assistant Director of Public Works, provided an overview of the presentation to include why it is conducted, the importance to the City, the planning, communication and work with residents, as well as the results of the FY24 plan, what the FY25 plan will bring, and the future pavement preservation.

Gustavo Garcia, Pavement Program Manager, shared a quote from the Federal Highway Administration, noting it aligns with Avondale's program to implement cost-effective treatments and applying them to the right roads at the right time to extend the life span of the roads. There are eight types of treatment options, and it is important to select the appropriate treatment based on the asphalt condition. The initial treatment should occur between 2–3 years after the pavement application, and then 1–2 years later, apply the fog seal. Next are two seal coats at 2–3-year increments, and finally, a robust slurry or micro surface treatment. Applying a pavement maintenance program will keep the asphalt in good condition with minimal money spent.

Mr. Siguenza stated the goal is to be cost-effective with the treatment and how it is applied to the roadway network. A roadway assessment conducted by IMS Consulting in 2022 is used as a baseline and guide for how roads need to be treated today and in the future. Information received from staff and residents regarding the roadway condition is also considered. The goal is to minimize the impact on the community as much as possible, but roadwork is an inconvenient event. Full road closures were implemented for a 10–12-hour period to allow the construction work to be done quicker. An entrance and exit point into the community were always available. If a full road closure was not an option, a half street closure would be implemented. The three options for arterial and collector roadways, such as lane closures, moving operations, or night work, were discussed. Every scenario is looked at independently to come up with the best solution while working closely with the Engineering Department, who approve the traffic control permits.

Various methods are used to communicate with residents about upcoming roadwork, such as using pamphlets, social media, Avondale Connect, press releases, residential door hangers, and road signs to affected homes. Each method has a different timeline for when information is sent out. Information is provided to residents, HOA managers, school districts, the business community, USPS, and City operations.

FY 24 originally had a baseline for almost 33 neighborhood lane miles to be treated using one type of treatment within the \$3 million approved budget. January 2024, the Pavement Preservation moved from Engineering to Public Works, and Mr. Garcia was hired as Pavement Manager. He was able to complete the originally planned 33 lane miles, using just over \$1 million within 4.5 months because he used various treatments. With the savings they resurfaced Jimmy Johnson Drive and Indian Springs

Road using an additional \$700,000. Additionally, the streets were closed to approximately 2,000 homes, with 27 inquiries and one complaint.

The FY 25 plan proposes almost 47 lane miles to be treated within a \$3 million budget. Several neighborhoods were added to the original plan, including Glenarm Farms, Westwind, and Rio Vista increasing the total lane miles to almost 70 and incorporating the remaining funds from FY 24. Additional work included within the FY 25 plan that will utilize the \$2 million CIP funding includes resurfacing Avondale BLVD from I-10 to Broadway Road (except for the new road section), bring sidewalk ramps to ADA standards, and adding a bike lane buffer.

Utilizing CIP funds approved by the Council and savings, a contract was recently awarded to a new vendor to conduct ongoing pavement condition assessments and pavement manager software. A citywide assessment will be conducted, creating a new baseline that will be used to create a new 5–10-year pavement preservation plan. The plan will include yearly evaluations of roadway network segments to ensure the roadway network is being kept up with and is in good condition.

Council Members were given an opportunity to ask questions and comment. Mr. Siguenza noted the door hangers are in both English and Spanish. They work closely with the contractors to ensure traffic control set up is done properly and removal is done timely. If not, they will reach out to them to ensure compliance. The ASU Cool Pavement project results were inconclusive as to whether it would reduce the heat in the area being paved. Mr. Corbin noted an ADA compliance study was conducted, which is why the ADA ramps are being updated during significant road reconstruction. The numbers will be provided later.

Council Member White expressed her appreciation, especially for the treatment to Jimmy Johnson Drive, which highlighted Avondale, and for the spending plan. Mr. Siguenza explained the software will allow the department to know when and how to treat the roadways. It will allow monitoring of the roadways for the need of application of a specific treatment at the right time to ensure it stays at optimal levels. Mr. Garcia explained the difference between the crack seal and seal coating, noting the crack-sealing is very important as it prevents the water from infiltrating the pavement. Vice Mayor Pineda commented on the professionalism, the implementation of the plan, the utilization of the software, and being cost conscious.

6. SUMMARY OF CURRENT EVENTS FROM MAYOR, VICE MAYOR, AND COUNCIL MEMBERS

Council Member Conde recognized and congratulated Council Member Malone on receiving the President's Volunteer Service Award. This is an award that honors individuals whose service positively impacts the communities in every corner of the nation and inspires those around them to take action too.

Council Member Malone stated she received the Lifetime Award from the President, a letter, and a medal. There were 10–15 other lifetime achievement awards or gold medals presented, with one being to the Mayor of Buckeye.

Mayor Weise noted the State Conference starts tomorrow. There will be an update on Prop 479.

7. ADJOURNMENT INTO EXECUTIVE SESSION

There being no further business before the Council, Council Member Malone moved to adjourn the Regular Meeting into Executive Session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(3) and (A)(4), discussion with the City Attorney or attorneys for the City for legal advice concerning contemplated or pending litigation and to instruct the City Attorney and attorneys for the City on such litigation for the claims and matters of : (i) Scott Dewall, Kyle Herman, and Douglas Herman; (ii) Pria DuPont; (iii) Daeng Phongsavath; (iv) Ruth Flintoft v. City of Avondale, et. al.; (v) Rogelio Jacquez vs. City of Avondale, et. al.; (vi) Charles Montoya vs. City of Avondale, et. al.; (vii) Daniel Melvin v. City of Avondale, et. al.; (viii) Luis Perez v. City of Avondale, et. al.; (ix) Joscelyn Ramos and Xander Weatherspoon vs. City of Avondale, et. al.; and (x) Keitha Tucker vs. City of Avondale, et. al.; Council Member Solorio 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

The meeting was adjourned at 7:15 p.m.


Kenn Weise (Sep 23, 2024 18:48 PDT)
Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

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 26th day of August 2024. I further certify that the meeting was duly called and held, and that the quorum was present.


Marcella Sarmiento, City Clerk

September 23, 2024
Date Approved by City Council