

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
February 10, 2025

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 5:30 p.m.

Mayor Mike Pineda led the Pledge of Allegiance, followed by a moment of silent reflection.

Members Present: Mayor Mike Pineda; Vice Mayor Curtis Nielson; Councilmembers Tina Conde, Jeannette Garcia*, Gloria Solorio, Shari Weise*, and Max White.

**Councilmembers Garcia and Weise attended the meeting virtually.*

Members Absent: None.

Other Municipal Officials Present: Tracy Stevens, Assistant City Manager; Katie Gregory, Assistant City Manager; Dale Nannenga, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Sarmiento, City Clerk; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Albert Bates, Assistant Police Chief Kirk Beaty, Public Works Director; Barbara Coppage, City Auditor; Joel Evans, Facilities Director; Julie Knoll, Deputy City Clerk; Craig Jennings, Judge; Corey Larriva, Parks and Recreation Director; 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; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; Jennifer Stein, Economic Development Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately 150 members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. PRESENTATION ITEMS (DISCUSSION ONLY)

a. EMPLOYEE ANNOUNCEMENTS

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

Court

- Ban Ibrahim, Court Clerk II (Promotion)

Human Resources Department

- Keely Farrow, Sr. Management Analyst

Office of Public Safety

- Henry Castro, Municipal Security Officer
- Michael Marotta, Code Compliance Officer

Public Works Department

- William Deneke, Water Reclamation Opr.
- Noah Green, Water Production & Treatment Opr.
- Jimmy Hill, Solid Waste Equipment Opr.
- Andres Leyva, Water Reclamation Opr.

Police Department

- Jaycie Dunshie, Officer
- Jacob Carnes, Officer
- Trent Phillips, Park Ranger
- Erin Metzger, Dispatcher
- Mathew Parks, Detention Officer
- Antonio Mendoza, Detention Officer
- Karina Cota, Communications Dispatcher
- Makenzie Whitlow, Communications Dispatcher
- Benjamin Beebe, Police Sergeant (Promotion)
- Leslie Greene, Police Sergeant (Promotion)
- Harry Sexton, Police Sergeant (Promotion)

b. PROCLAMATION – ENGINEERS WEEK

City Council presented a proclamation recognizing February 16 through February 22, 2025, as Engineers Week. This item was for discussion only.

c. PROCLAMATION – BLACK HISTORY MONTH

City Council presented a Proclamation recognizing February 2025 as Black History Month. This item was for discussion only.

d. NATIONAL CHILDREN’S ALLIANCE REACCREDITATION OF THE SOUTHWEST FAMILY ADVOCACY CENTER RECOGNITION

Reem George, Family Advocacy Center Manager, presented information regarding the Southwest Family Advocacy Center’s recent reaccreditation through the National Children’s Alliance (NCA). This item was for discussion only.

e. HOLIDAY SCHOOL SPIRIT FOOD DRIVE AWARDS PRESENTATION

City Council recognized the following schools that participated in the 2024 Holiday School Spirit Food Drive This item was for discussion only.

- | | |
|----------------------------------|---------------------------|
| • Agua Fria High School | • Lattie Coor School |
| • Avondale Middle School | • Michael Anderson School |
| • Corte Sierra Elementary School | • STAR Academy |
| • Estrella Vista STEM Academy | • West Point High School |
| • Imagine Schools Avondale | |

City Council provided special recognition to the following schools that generated the greatest amount of food to support the community: Agua Fria High School collected 440 pounds of food, Corte Sierra Elementary School collected 938 pounds of food, and West Point High School collected 3,046 pounds of food.

f. EXCEPTIONAL STUDENT OF AVONDALE RECOGNITION (AVI STAR STUDENT)

City Council recognized the following Avondale students from schools located in Avondale for their character and achievement. This item was for discussion only.

- Nyajuok Chuol
- Lynette Salazar
- Samuel Taylor
- Melanie Loya Estrada
- Ramiro Escobar
- Grant Guidry

g. AVONDALE AMBASSADOR PROGRAM INTRODUCTION

Dillard Collier, Management Analyst, presented the Avondale Ambassador Program and the inaugural participants (listed below) were recognized for their participation in the program. This item was for discussion only.

- Al Nunez
- Amanda Duncan
- Ben Ruoti
- Brian Swanson
- Cheri Gerlach
- Cindy De La Riva
- Crystal Lopez-Davey
- Cynthia Ceasar
- Dan Schuh
- David Garrison
- Deanna Sapata
- Janet Beason
- Jessica Valdez
- Lindsay Kothe
- Mike Martin
- Natosha
- Edmonds
- Paul Lemmon
- Ramon Sanchez
- Rhonda Bell
- Walter Gonzales
- Bill Reeves

3. UNSCHEDULED PUBLIC APPEARANCES

Resident Maribel Cachu appeared before the City Council asking that they be mindful of representing all members of the community including the migrant community within Avondale. To not exclude anyone and make everyone feel safe within the community.

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. Councilmembers may pull items from consent if they would like them considered separately.

Mayor Pineda asked if any Councilmember wished to have an item removed from the Consent Agenda. Councilmember Weise requested item 4g be pulled from the consent agenda to be considered separately. Motion was made by Councilmember Conde, seconded by Vice Mayor Nielson, to approve the Consent Agenda with the exception of item 4g.

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

Councilmember Conde	Aye
Councilmember Garcia	Aye
Councilmember Solorio	Aye
Councilmember Weise	Aye
Councilmember White	Aye
Vice Mayor Nielson	Aye
Mayor Pineda	Aye

a. MEMORANDUM OF UNDERSTANDING FOR FISCAL YEAR 2023 ASSISTANCE TO FIREFIGHTERS GRANT REGIONAL GRANT AWARD

City Council approved the Memorandum of Understanding (MOU) between the City of Glendale as the Host, the Arizona Fire & Medical Authority, and the Cities of Avondale, Buckeye, Goodyear, Peoria, Surprise, Tolleson, Sun City Fire District, and Daisy Mountain Fire District and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. This MOU will allow for training for each partner city and fire district by the Host. The City of Avondale will be allocated the amount of \$138,964.89 in grant funds from the Federal Emergency Management Authority (FEMA) with a required 15% match, in the amount of \$20,844.73.

b. WIRED TELECOMMUNICATIONS LICENSE AND RIGHT-OF-WAY USE AGREEMENT WITH CABLEVISION LIGHTPATH LLC

City Council approved a new Wired Telecommunications License and Right-of-Way Use Agreement with Cablevision Lightpath, LLC, to allow the placement of fiber telecommunication infrastructure in the City right-of-way and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

c. RESOLUTION 1004-0225 - PARKS, RECREATION & LIBRARIES MASTER PLAN

City Council adopted Resolution 1004-0225, approving the Parks, Recreation & Libraries Master Plan and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

d. ORDINANCE 2005-0225 - AVONDALE CITY CODE CHAPTER 6, ARTICLE I; RELATING TO EMERGENCY MANAGEMENT AND EMERGENCY SERVICES

City Council adopted Ordinance 2005-0225 amending Avondale City Code Chapter 6, Article I; Relating to Emergency Management and Emergency Services and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

e. ORDINANCE 2006-0225 – GRANTING OF AN ACCESS EASEMENT TO MINKE INVESTMENTS LLC

City Council adopted Ordinance 2006-0225 authorizing the granting of an access easement to Minke Investments LLC, and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

f. REPLAT OF PARKSIDE - PHASE 1 FINAL PLAT – APPLICATION PL-24-0169

City Council (a) approved Application PL-24-0169, a request from Michael Park of Atwell, LLC, on behalf of Mekin Sangoi of Taylor Morrison, for approval of a replat of Parkside – Phase 1 Final Plat located generally south of Indian School Road and west of 99th Avenue, and (b) authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

g. FINAL PLAT FOR AVONDALE APARTMENTS, A REPLAT OF DESERT SHOALS CONDOMINIUMS AT TRES RIOS LANDING – APPLICATION PL-23-0026

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

h. MINOR LAND DIVISION FOR KEN GARFF KIA - APPLICATION PL-24-0277

City Council approved a request by Bryce Quigley with Kimley-Horn and Associates, Inc., on behalf of the owner for approval of a Minor Land Division for Ken Garff Kia located generally on the south side of McDowell Road, east of Avondale Boulevard and west of 107th Avenue, 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.

g. FINAL PLAT FOR AVONDALE APARTMENTS, A REPLAT OF DESERT SHOALS CONDOMINIUMS AT TRES RIOS LANDING – APPLICATION PL-23-0026

City Council will consider a request by Gary Fox with Superior Surveying Services, Inc., on behalf of Buckeye and Dysart, LLC, for approval of Final Plat for Avondale Apartments, a replat of Desert Shoals Condominiums at Tres Rios Landing, located approximately 708 feet east of the southeast corner of Dysart Road and Buckeye Road, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Jody Novak, Director of Development Services clarified this is an engineering plat that was zoned for multi-family as part of the Master Plan in 2000. This comes before Council for the dedication of public and private sewer easements to help move the project forward.

Councilmember Weise explained she was seeking more information to understand the process and gain the ability to answer resident's questions.

Mayor Pineda noted there are other projects that were previously approved by City Council that are either waiting in the queue or simply did not come to fruition.

Councilmember Nielson moved to approve a request by Gary Fox with Superior Surveying Services, Inc., on behalf of Buckeye and Dysart, LLC, for approval of Final Plat for Avondale Apartments, a replat of Desert Shoals Condominiums at Tres Rios

Landing, located approximately 708 feet east of the southeast corner of Dysart Road and Buckeye Road, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents; Councilmember Conde seconded the motion.

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

Councilmember Conde	Aye
Councilmember Garcia	Aye
Councilmember Solorio	Aye
Councilmember Weise	Aye
Councilmember White	Aye
Vice Mayor Nielson	Aye
Mayor Pineda	Aye

5. REGULAR AGENDA

a. TRAINING ON OPEN MEETING LAW

The City Attorney provided training on the Open Meeting Law for its elected officials. This item was for discussion only.

Nicholle Harris, City Attorney, provided an overview and refresher on the Arizona Open Meeting Law, which is generally done every two years to remind the City Council of the requirements and apprised of any changes in the law.

The Ariz. Rev. Stat. §§ 38-431 through 38-431.09 was adopted in 1962 with amendments in 1982, 2017, 2020, and 2023. There is a bill in legislature to amend where the call to the public / unscheduled appearances is placed on the agenda. There are many Attorney General opinions on the application of the Open Meeting Law (OML); however, they are not binding but do provide guidance on the interpretation of the law.

The OML statute includes the declaration of public policy and one of the few statutes that clearly states why the statute was created, being to maximize public access to the government process. Openness and transparency are the goals. Anyone interpreting the OML statute should do so in favor of open and public meetings.

Meetings of public bodies must be public to allow anyone to attend and listen and all legal action must occur in a public meeting. A public body that must comply with OML includes all councils, boards and commissions, and special advisory committees appointed or elected by the City Council

A meeting is a gathering of a quorum of members of the public body either in person or through technological devices at which they discuss, propose, or take legal action. Email, text, telephone, conference calls, or video calls where there is quorum of the public body discussing, proposing, or deliberating council business is considered a meeting and would need to comply with OML.

When a member of the public body talks to one member to get their thoughts, then goes to another member to get their thoughts and shares the previous members' ideas, this is called a Walking Quorum and creation of a meeting. Ms. Harris reviewed examples with the Council.

Members of the public body should be mindful of their exchanges through email communication. One-Way communication sent by one member to a quorum of the public body that proposes a means to put forward, discuss, or adopt legal is a meeting. Should another member of the public body respond to the email you have a meeting that must comply with OML. Text messages are considered public records, which is why all discussions should occur during the public meeting so the public can hear them.

Although tricky there is a section of the statute that allows members of the public body to discuss an issue outside of a public meeting on their own time, personally, through the media or technological means. The discussion cannot be principally directed at or given to another councilmember and not be a concerted plan to engage in a collective deliberation to take legal action. Members of the public body should not comment on social media posts or City's website where they could be interpreted as proposing or discussing legal action or council business.

Ms. Harris reviewed the notice and agenda requirements that are geared towards providing the public with the right to attend and listen. The agenda is like a road map and must contain information reasonably necessary to inform the public and members of what will be considered. The public body may only discuss and consider matters listed on the agenda except for "Summary of Current Events". Under Summary of Current Events, members of the public body can discuss past events they attended, but no action shall be taken on anything reported. The statute provides for a Call to the Public but does not require it and the public is only allowed to speak when there is a public hearing. The public body is limited in responding to public comments and cannot discuss or take legal action on any matters raised during the call to the public. Meeting minutes or recording are required. The minutes summarize what transpired, include accurate description of legal actions, and are made available to the public. Minutes are a permanent record and maintained forever.

Executive sessions allow for discussion of business outside of the public view for personnel; confidential records; legal advice; contract negotiations, litigation, settlements; negotiations with employee organizations, negotiations with Tribal Councils; real property transactions; school safety plans or program; and security plans. The meetings must be agendized and include details of items to be discussed but not so much that it compromises Attorney client privilege or confidentiality. No legal action or final vote shall take place, and all business discussed is confidential.

It is not a violation of OML for a quorum of a public body to be at a social gathering, but they must refrain from discussing City business. A courtesy agenda may be put out to announce a quorum will be present but not City business will be discussed.

Ms. Harris reviewed the examples of what would cause a violation of OML. All legal action taken during an unnoticed meeting would become null and void and would have to go through a ratification process. The Arizona Attorney General is the enforcement authority for those who violate the OML. The statute does allow for an affected member of the public to commence a suit for a violation of OML. Penalties can be assessed including fines up to \$2,500, removal from the public body, and having to pay all costs awarded to the Plaintiff.

A list of OML resources were shared.

Mayor Pineda thanked Ms. Harris for in-depth refresher and education on some issues we can get into if we are not careful.

Councilmember White inquired if soliciting Council support to add an item onto the agenda was a violation of Open Meeting Law. Ms. Harris explained at least three Councilmembers may place an item on the agenda; therefore, a violation is not occurring. She recommended Councilmembers use the City Manager to assist to ensure violations are not made.

Councilmember Garcia asked if a New Business category could be added to the agenda to ensure Open Meeting Law is not violated.

Councilmember White echoed Councilmember Garcia's suggestion and recommending the practice of Valley Metro's agendas.

Mayor Pineda noted he would discuss this further with City Manager Corbin.

6. SUMMARY OF CURRENT EVENTS FROM MAYOR, VICE MAYOR, AND COUNCILMEMBERS

Councilmember White recognized Liz Barker Alvarez, Intergovernmental Affairs Administrator, for organizing and hosting the LD22 event which brought Legislators to Avondale. Additionally, she attended the Black Philanthropy Gala hosted by the Arizona Community Foundation. Many grants were given out including one to Future Stars. Shereka Jackson spoke about the STEM education she provides to children as part of the Arizona Community Foundation.

Councilmember Weise noted she and Councilmember Conde attended an event hosted by HSP for Friends of the Southwest Advocacy Center and made attendees aware of the Gala in March.

7. ADJOURNMENT

There being no further business before the Council, Councilmember Solorio moved to adjourn the Regular Meeting into Executive Session pursuant to Ariz. Rev. Stat. § 38--431.03(A)(1) for discussion of the mid-year performance evaluation and salary of the City Auditor; Councilmember Conde seconded the motion.

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

Councilmember Conde	Aye
Councilmember Garcia	Aye
Councilmember Solorio	Aye
Councilmember Weise	Aye
Councilmember White	Aye
Vice Mayor Nielson	Aye
Mayor Pineda	Aye

The meeting was adjourned at 7:29 p.m.

Mike Pineda

Mike Pineda (Mar 25, 2025 12:02 PDT)

Mike Pineda, 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 10th day of February 2025. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Sarmiento

Marcella Sarmiento, City Clerk

March 24, 2025

Date Approved by City Council