

DRAFT

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
10000 N. EL MIRAGE ROAD
6:00 PM -**THURSDAY**, FEBRUARY 20, 2020**

Minutes

1. **ROLL CALL:**

Present: Mayor Alexis Hermosillo; Vice Mayor Roy Delgado; Councilmember Monica Dorcey;
Councilmember Anita Norton; Councilmember David Shapera; Councilmember Donna Winston

Absent: Councilmember Lynn Selby

2. **CALL TO ORDER - The meeting was called to order at 6:00 pm.**

Pledge of Allegiance
Moment of Silence

3. **PROCLAMATION**

1. Proclamation to recognize February, 2020 as Career and Technical Education (CTE) month.
(Administration)

Deputy Director/Intergovernmental & PR Amber Wakeman introduced CTE Director Mr. Jim Grieshaber for Dysart Unified School District (DUSD), Ms. Sandy Olinny and Mr. Kurt Woods of DUSD, and Ms. Andrea Arroyo, a student from the CTE Program.

February is Career and Technical Education (CTE) month and we are fortunate to have great programming in the West Valley for CTE students through West-Mec, Dysart Unified School District and community college partners. Council is invited to a tour of West-Mec facilities in the spring; contact Amber Wakeman to sign up.

CTE Program graduates have higher success in employment and college enrollment (and completion). With the changing human resource landscape, companies are also hiring more students with certificates than in the past. Today, the benefits of such programs are understood on student success and ultimately building a strong workforce. The WESTMARK-led West Valley Pipeline Workforce Strategy specifically identifies supporting and rebranding CTE so that these options and programs are better understood by parents, students and society.

Mayor Alexis Hermosillo proclaimed February 1-29, 2020 as Career and Technical Education Month.

2. Proclamation to proclaim February, 2020 as Teen Dating Violence Preventions and Awareness Month.
(Mayor and Council)

Deputy Director/Intergovernmental & PR Amber Wakeman introduced Ms. Laura Horsley, Chief Executive Officer of Eve's Place, Ms. Vanessa Duran and Ms. Maria Rodriguez who are Youth Advocates of Eve's Place.

February is Teen Dating Violence Prevention and Awareness Month and this issue is supported by El Mirage Cares in an effort to educate and promote healthy relationships for youth and parents through a community forum that will be held at Dysart High School, February 27, 2020 at at 5:30 pm.

The serious ramifications of a violent relationship during adolescence include a higher risk of substance abuse, eating disorders, risky behavior, and suicide. Dating violence can be prevented by providing youth people and their parents with education about healthy relationships, and providing training for teachers, counselors, school staff and parents so that they may recognize when youth are exhibiting signs of dating violence.

Mayor Alexis Hermosillo proclaimed February 2020 as TEEN DATING VIOLENCE PREVENTION AND AWARENESS MONTH.

4. CALL TO THE PUBLIC

Citizens desiring to speak on any issue within the jurisdiction of the public body may do so at this time. Comments shall be limited to three (3) minutes per person and shall be addressed to the City Council as a whole. At the conclusion of the Call to the Public, individual City Council Members may (1) respond to criticism made by those who have spoken, (2) direct staff to review or follow up on the matter, and/or (3) direct that the matter be put on a future agenda.

Resident **Lupe Romero** represented the Kiwanis Club and Key Club from the Dysart Unified School District. They are seeking support from the City for expansion of their programs. Ben Dickson, President of the Key Club at Dysart High School, explained about the community service programs, and he listed the advantages he has received for participating.

5. CONSENT AGENDA

All items listed under the Consent Agenda will be voted on with one motion. If discussion is desired regarding any Consent Agenda Item, that item will be removed from the Consent Agenda and voted on separately.

1. Consideration and action to approve the minutes of the Regular Council meeting held Thursday, January 23, 2020. (City Clerk)
2. Consideration and action to approve the destruction of municipal documents that have reached the end of their retention period as authorized under A.R.S. §41-151.19. (Police Department)
3. Consideration and action to approve service agreement with Justifacts Credential Verification, Inc. (Human Resources)
4. Consideration and action to authorize the City of El Mirage to accept a mobile Driving Under the Influence (DUI) Van from the Arizona Governor's Office of Highway Safety (GOHS) and authorize the Finance department to make the necessary budget adjustments. (Grants/Police)
5. Consideration and action to request, and accept if awarded, a public safety grant from the Firehouse Subs grant program in an approximate amount of \$25,000 for a LUCAS compression device and authorize Finance to make necessary budget transfers. (Grants/Fire)
6. Consideration and action to authorize the City Manager to enter into a Professional Services Contract with Survey Innovation Group, Inc. to provide land surveying services for the proposed Cheryl Drive half street improvements in the amount of \$3,850. (Community Development)

7. Consideration and action to authorize a budget transfer from 10-690-920 Council Contingency to 10-460-332 Claims in the amount of \$25,000. (Finance)
8. Consideration and action to approve a contract with Corporate Technology Solutions to complete phase one of the Access Control Upgrade capital improvement project in an amount not to exceed \$125,000. (Public Works)

Vice Mayor Delgado moved to approve Consent Agenda Items 1 thru 8 as presented; seconded by Councilmember Shapera. (6/0)

Vote: 6 - 0 Passed - Unanimously

6. **REGULAR AGENDA**

1. A Public Hearing, closure of Public Hearing followed by consideration and action to approve a Conditional Use Permit Zoning Application submitted by TX-Cali Holdings LLC, for a Medical Marijuana Cultivation Use in an Employment/ Industrial (E/I) Zone located at 9315 North El Mirage Road, El Mirage, Arizona 85335. (Community Development)

Mayor Hermosillo opened the Public Hearing.

Planner/GIS Jose Macias presented a Conditional Use Permit for Medical Marijuana Cultivation for TX-Cali Holding LLC at 9315 N. El Mirage Road, El Mirage, Arizona 85335. He presented the site plan, site photos, elevations, and land use. Staff has reviewed the Zoning Application and recommends approval with seven standard stipulations identified. One public comment was received. The applicant is requesting a parking waiver to reduce the required 69 spaces (per §154.205. (E)(2)) to 34 spaces. Staff has no objection to this request. The Planning and Zoning Commission recommended approval at the January 14, 2020 Public Hearing with a 3-1 vote.

Public Comment was received from business owner Vicki Toffee who stated she is concerned about odors that are produced with this type of facility. She stated she believes there is better tax revenue with retail. She has talked to a company and stated she is generally happy with their discussions but is concerned about the future and potential sale of the property, additional parking issues, etc.

Councilmember Dorcey asked how many jobs are anticipated and was advised there will be two shifts with 20-28 employees per shift. **Councilmember Norton** asked if access to the property is gated, what type of security was planned and what are the hours of operation. She was advised yes, the property access is gated, the State requires security cameras and lighting and hours of operation will be regular business hours and night shift. **Vice Mayor Delgado** asked if odors become a nuisance, can more odor controls be installed, and he was advised yes more filtration could be added if needed. **Councilmember Shapera** stated he believed the project was well thoughts out and he has no objections to the requested parking waiver.

Mayor Hermosillo closed the Public Hearing.

Councilmember Shapera commented they have done a good job in preparing this proposal. **Councilmember Winston** stated she is in favor and applauds the communication with neighboring businesses. **Vice Mayor Delgado** agreed with both Councilmembers Shapera and Winston's comments.

Vice Mayor Delgado moved to approve a Conditional Use Permit Zoning Application submitted by the TX-Cali Holdings LLC, for a Medical Marijuana Cultivation Use in an Employment/Industrial (E/I) Zone located at 9315 North El Mirage Road including stipulations and approving the requested parking waiver; seconded by Councilmember Shapera.

Vote: 6 - 0 Passed - Unanimously

2. Consideration and action to use the City of Peoria JOC No. ACON01317 to re-establish the Public Utility Easement (PUE) between Alto Street and Palm Street from Thunderbird Road to End Street in the amount of \$54,539 including a 10% contingency with DBA Construction (Activity No. 61907) (Community Development).

Community Development Director/City Engineer Jorge Gastelum presented the Alto & Palm Public Utility Easement (PUE) Improvements - Phase 3. He provided background stating that most of Downtown El Mirage was platted in the 1940's with lots fronting on the street and a dedicated 20-foot alley between the lots. The area between Alto Street and Palm Street was platted with a 12' Public Utility Easement (PUE) that ran along the rear yards instead of an alley. Some lots have encroached into the PUE where City water mains and utility poles run. Portions of the PUE have been fenced off which complicates access to the water main during a break. The City's CIP FY 2016/17 included \$500,000 to remove and relocate fences and any other structures within the PUE to easily access the area in the event of a water break. This project was divided into three phases as follows:

Phase 1: 11 property owners agreed to allow the relocation (completed)

Phase 2: 10 property owners agreed to allow the relocation (completed)

Phase 3: The final 2 property owners have agreed to the relocation

The original project budget was \$500,000 with a total project cost of \$393,986.70 leaving a remaining budget of \$106,013.30.

Vice Mayor Delgado asked if the fences would be replaced with chain link and Mr. Gastelum responded that they will be the same type of fence previously installed with the attempt to replace like for like. **VM Delgado** further asked when the project was anticipated for completion and Mr. Gastelum reported it will be finished within 2-3 months. **Councilmember Norton** asked if all signed approvals have been received and was advised, yes they have received all signed approvals to complete this project.

Vice Mayor Delgado moved to approve the use of the City of Peoria JOC NO. ACON01317 to re-establish the Public Utility Easement (PUE) between Alto Street and Palm Street from Thunderbird Road to End Street in the amount of \$54,539; seconded by Councilmember Norton.

Vote: 6 - 0 Passed - Unanimously

3. Consideration and action to approve Resolution R20-02-01 adopting the Capital Improvements Plan (CIP) for fiscal years 2021 through 2026. (Finance)

Finance Director Robert Nilles presented the Capital Improvements Plan, which is a 5-year roadmap identifying major expenses over and above routine annual operating expenses. Items included in the CIP must meet the following criteria. They must 1) be non-consumable items, 2) have a useful life of more than one year, and 3) have an initial individual price exceeding \$5,000. Mr. Nilles identified the general assumptions made when projecting costs for the 5-year CIP and then reviewed numerous funds and makeup for various departments. He discussed one change requested by the Police Department which was to add \$7,000 to the soundproofing CIP project which, on review, was underbudgeted at \$13,000.

Vice-Mayor Delgado moved to approve Resolution R20-02-01 adopting the Capital Improvements Plan (CIP) for fiscal years 2021 through 2026; seconded by Councilmember Shapera

Vote: 0 - 6 Failed unanimously

Vice Mayor Delgado moved to approve Resolution R20-02-01 adopting the Capital Improvements Plan (CIP) for fiscal years 2021 through 2026 with an increase in Police Department sound proofing by \$7,000 from \$13,000 to \$20,000; seconded by Councilmember Shapera. (6/0)

Vote: 6 - 0 Passed - Unanimously

7. EXECUTIVE SESSION

1. Consideration and action to adjourn into Executive Session pursuant to A.R.S. §38.431.03.A.3. and 4. regarding litigation/ settlement discussions and A.R.S. §38-431.03.A.7. regarding city owned property. (Administration)

Vice Mayor Delgado moved to approve adjourning into Executive Session pursuant to A.R.S. § 38-431.03A. 3. and 4. regarding litigation/settlement discussions and A.R.S. § 38-431.03.1.7. regarding city owned property; seconded by Councilmember Shapera

Vote: 6 - 0 Passed - Unanimously

8. RESUME REGULAR SESSION

1. Consideration and action on E-Session discussion.

NO ACTION WAS TAKEN

9. CITY MANAGER'S COMMENTS & SUMMARY OF CURRENT EVENTS

Mayor Hermosillo reversed the order of the agenda at this time to hear the City Manager's comments and Mayor and Council summaries prior to moving into Executive Session.

The City Council may not act upon any matter in the City Manager's summary but may have general comment or questions.

City Manager Crystal Dyches reported there will be a free VIN etching from 8:00 am to Noon at the Police Department on February 21, 2020. The Police Department recommends having the VIN numbers etched into vehicles' windows.

She reported there is new signage at the YMCA and Gentry Park to recognize the contributions of the Tohono O'odham Nation for the basketball court and the inclusive playground at Gateway Park. She also thanked Robert Nilles, Macy Walker and others for the CIP budget process.

MAYOR'S COMMENTS AND COUNCIL SUMMARY OF CURRENT EVENTS

The Mayor and City Council may not discuss or act upon any matter in the summary unless the specific matter is properly noticed for legal action.

Mayor Hermosillo reported the Kiwanis is interested in starting a chapter in El Mirage.

Councilmember Norton reported that at the last CDBG meeting there were nine organizations who applied for funds; five were selected, including El Mirage. She thanked Autumn Grooms and Bryce Christo for their presentations on the City's proposed project at CDAC. She further reported that on Thursday, February 27th from 5:30 pm to 7:30 pm at Dysart High School, there will be an El Mirage Cares Community Forum regarding "Teen Dating Violence: Healthy vs. Unhealthy Relationships."

Vice Mayor Delgado reported the CDBG amount for the City of El Mirage is \$452,000 if approved. He also advised that he attended the Dysart Community Center Computer Lab Dedication supported by

Microsoft. He also attended the Tohono O'odham Grand Opening of the Desert Diamond Casino. He stated that nine years ago, he was asked to do a letter writing campaign for El Mirage to go forward to the State on this project, and he received an award for his efforts which he gave to the Mayor and then to the City Manager for display in the trophy case.

11. **ADJOURNMENT - The meeting was adjourned at 8:06 pm.**

Alexis A. Hermosillo, Mayor

ATTEST:

Sharon Antes, City Clerk

I hereby certify the aforementioned minutes are a true and accurate record of the Regular El Mirage City Council Meeting held on Thursday, February 20, 2020 and a quorum was present.

Sharon Antes, City Clerk