

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 -TUESDAY, MAY 19, 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

2. **CALL TO ORDER - The meeting was held online and publicly with limited access; called to order at 6:00 pm.**

Pledge of Allegiance
Moment of Silence

3. **PROCLAMATION**

1. A proclamation to proclaim May 17 - 23, 2020 as Public Works Week in El Mirage. (Public Works)

Public Works Director Nick Russo presented stating that Public Works services are an integral part of citizens' everyday lives. The support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, environmental programs, streets and parks, facilities, fleet, information technology and customer service. The health, safety, and comfort of this community greatly depends on these facilities and services. The quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skills of public works officials. The efficiency of the qualified and dedicated professional personnel who staff public works departments are materially influenced by the people's attitude and understanding of the importance of the work they perform.

Mayor Hermosillo proclaimed the week of May 17-23, 2020 as **NATIONAL PUBLIC WORKS WEEK** in the City of El Mirage.

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.

No public comment cards were received.

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 on-line and telephonically Tuesday, May 5, 2020. (City Clerk)
2. Consideration and action to approve a purchase with CDW-G for Microsoft Office 365 utilizing State of AZ Contract ADSP017-149774 in an amount not to exceed \$36,010.88, (Information Technology)
3. Consideration and action to approve an agreement with Mimecast for a term of one year and corresponding purchase with SHI for email services in an amount not to exceed \$19,500. (Information Technology)
4. Consideration and action to approve an agreement to renew a subscription with Mimecast for a term of 1 year for email services. (Information Technology)
5. Consideration and action to authorize the City Manager to enter into a Project Agreement with the Maricopa Association of Governments (MAG) setting forth the terms and conditions of the Dysart Road Improvement Project between Northern Avenue and Peoria Avenue. (Community Development)
6. Consideration and action to approve contract EM20-INSP01 with Consultant Engineering, Inc. at a cost not to exceed \$20,000 in FY 19/20. (Community Development).
7. Consideration and action to approve a Final Plat submitted by Fourplex Investment Group for a Multi-Family Subdivision located at 12945 W. Greenway Road, El Mirage, Arizona 85335. (Community Development)
8. Consideration and action to approve a PSPRS funding policy for Police and Fire. (Finance)

Vice Mayor Delgado moved to approve Consent Agenda Items 1 through 8 as presented; seconded by Councilmember Shapera.

Vote: 6 - 0 Passed - Unanimously

6. **REGULAR AGENDA**

1. A Public Hearing, closure of Public Hearing, followed by consideration and action to approve Ordinance O20-05-02, amending the text of El Mirage Zoning Code §154.154.A.2 Procedure for Site Plan Approval relative to the review and approval of site plans within an approved Planned Area Development (PAD). (Community Development)

Mayor Hermosillo opened the Public Hearing

Planner/GIS Jose Macias presented Ordinance O20-05-02, amending El Mirage Zoning Code §154.154.A.2; removal of public meetings when reviewing and approving site plans within a previously approved Planned Area of Development (PAD). He reviewed the El Mirage zoning map; identifying any site plans within the area that would be eligible under this proposed amendment and municipalities with similar practices. Staff would continue to work with Luke AFB ensuring compliance with State Statute and notifying necessary parties (Council, Commission, neighboring parcels) of any pending projects. The Planning and Zoning Commission recommended approval of the amendment at the April 28, 2020, Public Hearing with a 4-0 vote. Staff is seeking final action from Council for the adoption of the Zoning Text

Amendment. The amendment will take effect thirty (30) days after approval. Mr. Macias introduced Gammage & Burnham Counsel, Mr. Stephen Anderson on behalf of John F. Long Properties.

Mr. Anderson addressed Council and recognized the unusual amendment request. He referenced positive recommendation documents provided by City Staff and support of the Planning and Zoning Commission. The request applies only to land that is currently zoned PAD; new PADs will be required to go through the entire process allowing for Council review. The amendment would only affect a single property and Staff currently reviews all site plans so there would be no additional burden on staff workload. The request is only eliminating a portion of the site plan review. Information from Greater Phoenix Economic Council, Arizona Commerce Authority and site selectors support the need to reduce site plan process times to meet aggressive built-to-suit timelines.

Councilmember Norton asked if Council would still remain the approving authority for any development within the 1500 acre property. Mr. Anderson responded land use is already established by the zoning code, the amendment is limited to the project design itself; staff would still conduct site plan review, but approval for the project design would not require Council approval. Vice Mayor Delgado asked City Attorney Justin Pierce if Council would be accountable should a project go awry. Mr. Pierce responded there would be no liability concerns for Council. Councilmember Winston asked if this would eliminate public input. Mr. Macias responded public input would only be eliminated for a small portion of the site plan review; new PADs would go through the entire process which includes public input.

There being no public comments, Mayor Hermosillo closed the public hearing.

Councilmembers Shapera and Winston agreed Council has a responsibility for residents' best interests and City Staff should not be burdened with those responsibilities. Councilmember Shapera further commented that Council and the Planning and Zoning Commission have been flexible throughout the community, including South of Peoria. If an action needs taking a Special Meeting can be called. He stated that future Council restrictions need to be considered. El Mirage is a community of 36,000 residents and their voice needs to be heard. Surprise and Buckeye are poor comparisons and he is not in favor whatsoever. Mayor Hermosillo echoed Councilmembers Shapera and Winston's comments. Councilmember Norton agreed and added Public Hearings were there for a purpose.

Vice Mayor Delgado moved to approve Ordinance O20-05-02, amending the text of El Mirage Zoning Code § 154.154.A.2. Procedure for Site Plan Approval relative to the review and approval of site plans within an approved Planned Area Development (PAD).

Motion failed for lack of a second.

2. A Public Hearing, closure of Public Hearing followed by a discussion and action to approve Resolution R20-05-06 to adopt the El Mirage 2020 General Plan Update as pursuant to A.R.S. §9-461-06E. (Community Development)

Mayor Hermosillo opened the Public Hearing.

Planner/GIS Jose Macias introduced consultant Matthew Klyszeiko with consultants Michael Baker International. Mr. Klyszeiko reviewed the General Plan process which began September 2018. The general plan is a comprehensive, long range plan that sets forth the goals and policies for the development of land within the City. Arizona Revised Statutes (A.R.S.) § 9.461.06 requires the City of El Mirage to update its general plan at least every ten (10) years. The General Plan requires extensive public engagement, education on the process and feedback from the Community on focus areas. A General Plan Advisory Committee was established comprised of 15 individuals that included elected officials, residents, business owners, local public agencies such as MAG and representatives from Luke AFB. Online surveys were orchestrated to understand the needs and wants of the community. A vision statement is intended to give direction and purpose for the document along with four (4) themes; Create Places, Improve Mobility, Provide Amenities, and Increase Prosperity. Plan goals were reviewed in line

with specific policies and action items that can be utilized by Council and Staff. Current and proposed land use plans were identified to address needs and identify challenges. Mr. Klyszeiko pointed out several specific areas within the City to present examples of current investments and future needs. The Planning and Zoning Commission received public comments at the April 22, 2020, Public Hearing and recommended approval at the April 28, 2020, Public Hearing with a 4-0 vote. Council action is required for the adoption of the El Mirage 2020 General Plan Update and to proceed with the plan to be on the November 3, 2020, General Election for citizen ratification.

Councilmember Norton asked about the area along Northern Parkway and what type of development would go there. Mr. Klyszeiko responded by stating that an enhanced facility such as retail or non-residential type of element; higher density residential to support it was also planned. Councilmember Shapera commented on Wickenburg's development of an old mining area into luxurious homes and how great it looks. He complimented Michael Baker Consultants on their proposed land use recommendation for development along Northern Parkway and recognized the challenges from the current General Plan.

There being no public comments, Mayor Hermosillo closed the public hearing.

Councilmember Norton expressed her appreciation for bringing awareness to the possibilities for development along Northern Parkway. Vice Mayor Delgado stated he had seen the presentations in public and he was most appreciative.

Vice Mayor Delgado moved to approve Resolution R20-05-06 to adopt the El Mirage 2020 General Plan Update as pursuant to A.R.S. §9-461-06E; seconded by Councilmember Shapera.

Vote: 6 - 0 Passed - Unanimously

3. Consideration and action to authorize the City Manager to enter into a contract with Northwest Valley Connect (NVC), a nonprofit 501(C)3, for local Dial-a-Ride transit services for FY20-21. (Grants).

Grants and Special Programs Administrator Autumn Grooms explained participants must be 65+ or have a disability to use local Dial-a-Ride services. The FY 2020/21 total is \$80,407 and Arizona Lottery Funds (ALF) are used to fund this program. Northwest Valley Connect was selected through a competitive bid process and will utilize Uber, Lyft, and accessible vans to provide service for citizens.

Vice Mayor Delgado moved to authorize the City Manager to enter into a contract with Northwest Valley Connect (NVC), a nonprofit 501(C)3, for local Dial-a-Ride transit services for FY20-21; seconded by Councilmember Shapera.

Vote: 6 - 0 Passed - Unanimously

4. Consideration and action to authorize the City Manager to enter into an IGA with the Regional Public Transportation Authority (RPTA), Valley Metro, for paratransit services for a seven (7) year agreement with Arizona Lottery Funds covering the City's portion in an amount not to exceed \$30,904 for FY 21. (Grants)

Grants and Special Programs Administrator Autumn Grooms presented this proposed RPTA Paratransit IGA for ADA approved residents. The annual cost is \$72,515, utilizing Federal funding of \$26,220 in Public Transportation Funds and \$12,472 in CARES Act funding, along with unknown but anticipated fare revenues, leaves a balance owing of El Mirage's contribution in the amount of \$30,904. This amount will come from the Arizona Lottery Funds (ALF).

Vice Mayor Delgado moved to authorize the City Manager to enter into an IGA with the Regional Public Transportation Authority (RPTA), Valley Metro, for paratransit services for a seven (7) year agreement with Arizona Lottery Funds covering the City's portion in an amount not to exceed \$30,904 for FY2021; seconded by Councilmember Shapera.

Vote: 6 - 0 Passed - Unanimously

5. Consideration and action to enter into development agreement with Microsoft Corporation to provide improvements to the City's water reclamation facility. (Public Works)

Public Works Director Nick Russo reported this proposed development agreement relates to the PHX80 property for Microsoft's data center. A background on the Microsoft commissioned study completed by Corolla Engineers to analyze the impact of wastewater discharge from phase one of its data center project was provided. The recommendation was the installation of ethylene filters to successfully accommodate the phase one flows from the data center. The agreement was prepared to complete Corolla Engineers study findings and Microsoft will pay the City \$2.7 million to construct improvements outlined maximizing the current configuration by installing additional components without the need for expanding the capacity of the wastewater facility. Upon Council approval the City will receive Microsoft funding within thirty days of agreement execution; improvements will commence with a completion target date of January 2021.

Councilmember Norton asked what flexibility the City had when its wastewater plant capacity is 2.5 million gallons and Microsoft was estimated to use 255,000 gallons per day and 288,000 gallons on a peak day. Mr. Russo responded the City has between 200 and 250 thousand gallons depending on current developments. The City's design threshold is eighty percent; upon reaching two million gallons a day the County requires the City to incorporate an expansion design which is incorporated into next years capital plan. City Staff are working with engineers experienced with the City's wastewater plant design to properly plan for wastewater collection and be able to expand its capacity utilizing the most efficient rate. Staff has a scheduled meeting to discuss possible upgrades. Councilmember Norton expressed her gratitude for Mr. Russo's forward thinking. Vice Mayor Delgado asked if the City would at any time overwhelm the groundwater reception and overflow the river. Mr. Russo responded the City has a discharge capacity at the plant of seven (7) acres and one is utilized at a time; he does not anticipate this happening.

Vice Mayor Delgado moved to enter into a development agreement with Microsoft Corporation to provide improvements to the City's water reclamation facility; seconded by Councilmember Shapera.

Vote: 6 - 0 Passed - Unanimously

6. Consideration and action to approve Resolution R20-05-07 setting miscellaneous fees and service charges for FY 2020/21. (Finance)

Finance Director Robert Nilles reported this Resolution is to set the miscellaneous fees and service charges for FY2020/21. He reviewed fee removals and referenced Community Development's Traffic Control Plan Review fee proposing an amendment to keep the current fee for an additional two months, at which time changes will be made. The fee schedule has been posted for sixty (60) days as required by State statute law and the changes are noted in red.

Vice Mayor Delgado moved to keep the Traffic Control Plan Review Fee and approve Resolution R20-05-07 setting miscellaneous fees and service charges for FY2020-21 as amended; seconded by Councilmember Shapera

Vote: 6 - 0 Passed - Unanimously

7. Consideration and action to approve Resolution R20-05-08 adopting the tentative budget thereby setting the maximum expenditure limit for FY20-21. (Finance)

Finance Director Robert Nilles presented this item stating the Tentative Budget sets the limits which can decrease but may not be higher than this amount for the final budget. The maximum expenditure limitation for the City of El Mirage for FY2020/21 will be \$86,047,500 including transfers of \$5,860,000

and other financing uses of \$2,385,000. The limit is \$7,766,500 less than last year's limit. This limit may be reduced further if updated project numbers are available before adopting the final budget. Mr. Nilles itemized the FY2020/2021 Council budget workshop changes and reviewed carry forward projects. He identified the City Manager's key initiatives and provided a breakdown of the tentative budgets allocated funds for both revenues and expenditures and carry forward projects, to reflect a healthy fund balance of \$65.8 million dollars. Councilmember Shapera stated he wanted clarification that the Fire operations review should state needs for the next two, four, six, or eight years and Mr. Nilles responded that this item would be brought back to Council prior to going out to bid. Mr. Nilles provided a diverse breakdown of the City's fund source and use of funds by category. He further stated that the City has not received updates from the League or State regarding State shared revenues but can report that sales tax numbers for the City in March were strong. When Council adopts the tentative budget it sets the legal level of the budget and the City may not exceed this limit. The budget process to date was reviewed and next steps identified as a public hearing for property taxes (TNT), and adoption of the final budget are scheduled for June 2, 2020, and adoption of the property tax is scheduled for June 16, 2020.

Councilmember Shapera asked City Attorney Justin Pierce what procedure was needed to decrease the Court's budget. Mr. Pierce responded that Council, by consensus, can instruct the Finance Director to reduce certain items; the overall budget number would remain the same as when funds are removed from a line item, they would need to be placed under another line item within the budget. Councilmember Shapera asked if Court's budget could be decreased by \$25,000 and transferred to Council Contingency or some other line item. Mr. Nilles stated this item could be brought up during the final budget if it was the consensus of the Council. Councilmember Shapera expressed his concerns regarding the cost to the City for a Pro Tem Judge who only works two days weekly. Councilmember Norton asked what the \$25,000 was based on. Councilmember Shapera responded the City was paying \$31,000 annually for a pro tem so that if \$25,000 were removed the ability to have a pro tem was still there. He explained that other cities are not paying \$31,000 annually for a pro tem while also paying \$80,000 plus annually for a judge that isn't always present at the Courthouse. Councilmember Norton asked if funds are removed would remaining funds be utilized for the pro tem or would funds be pulled from another area within the Court's budget. Mayor Hermosillo expressed her concerns regarding moving forward with this action that the City runs the risk of those funds being spent. Councilmember Shapera explained that funds could be returned out of Council Contingency if the need called for it, but he believes that for now, too much is being spent on the City Judge who isn't always present. Councilmembers Dorsey, Winston and Vice Mayor Delgado echoed Councilmember Shapera's statements. Councilmember Norton wants to make sure the City can monitor the actions resulting from a decrease in the Court's budget item. Mayor Hermosillo stated Council had come to a consensus on this item for future action.

Vice Mayor Delgado moved to approve Resolution R20-05-08 adopting the tentative budget thereby setting the maximum expenditure limit for FY20-21; seconded by Councilmember Shapera.

Vote: 6 - 0 Passed - Unanimously

8. Consideration and action to nominate an applicant to fill the Council vacancy resulting from the resignation of former Councilmember Lynn Selby.

Mayor Hermosillo recognized all applicants who pursued this opportunity and encouraged continued involvement with the City and local Community.

Councilmember Norton nominated Kallimayor Richards as the successful applicant to fill the Council vacancy resulting from the resignation of former Councilmember Selby; seconded by Councilmember Dorsey. Roll Call vote was taken.

Vote: 5 - 0 Passed

Other: Councilmember David Shapera (ABSTAIN)

7. **CITY MANAGER'S COMMENTS & SUMMARY OF CURRENT EVENTS**

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

City Manager Dyches had no comments.

8. **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 recognized Public Works Week and expressed her gratitude to Public Works Staff for maintaining the City.

Councilmember Dorcey expressed her gratitude to City Staff for their seamless work during the COVID-19 shutdown and its conclusion.

Councilmember Winston expressed her gratitude for the repaving of City streets.

Councilmember Norton advised residents to stay safe during this time.

Vice Mayor Delgado attended the CDAC meeting telephonically and reported the City received an extension for its current CDBG grant, and an additional CDBG grant for \$75,000.

Councilmember Shapera echoed Councilmember Dorcey's comments and expressed his gratitude to the El Mirage Police Department for a job well done.

9. **ADJOURNMENT - The meeting was adjourned at 7:33 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 Tuesday, May 19, 2020 and a quorum was present.



Sharon Antes, City Clerk