

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, AUGUST 18, 2020**

Minutes

1. **ROLL CALL**

Present: Mayor Alexis Hermosillo; Vice Mayor Roy Delgado; Councilmember Monica Dorcey; Councilmember Anita Norton; Councilmember Kallimayor Richards; 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. Proclamation to recognize August 7, 2020, as El Mirage Purple Heart Day. (Administration)

Deputy Director/Intergovernmental and PR Amber Wakeman presented by stating National Purple Heart Day is the oldest military decoration in the United States and was established by General George Washington during the revolutionary War in Newburgh, New York on August 7, 1782. The Purple Heart was the first award made available to the common soldier to recognize outstanding valor or merit. The Purple Heart is a combat decoration that is awarded to living military members of the United States armed forces wounded by an instrument of war in the hands of the enemy or awarded posthumously to the next of kin in the name of those who were killed in action or who died from wounds received in action. Recipients of the Purple Heart know the meaning of sacrifice in the preservation of the United States of America and national interest at home and abroad. There are approximately 1.7 million Purple Heart recipients in our nation's history, many of whom are from the State of Arizona.

Ms. Wakeman acknowledged Mr. Keith Gray's request to recognize August 7th as El Mirage Purple Heart Day to honor the brave men and women who have received the Purple Heart medal and to families of fallen Purple Heart recipients.

Mayor Hermosillo proclaimed August 7 as **EL MIRAGE PURPLE HEART DAY** in the City of El Mirage.

2. Proclamation to recognize the centennial of the Dysart Unified School District. (Administration)

Deputy Director/Intergovernmental and PR Amber Wakeman presented stating for 100 years the Dysart Unified School District has been a valuable asset to the northwest valley, including the City of El Mirage, by providing an extraordinary education to preschool through high school students. Martin Nathaniel Dysart established Dysart Public Schools by donating land and convening a governing board on July 16, 1920 as a one-room schoolhouse with one teacher. During the early years, Dysart district served elementary students until 1962 when it opened its first high school, Dysart High School, to

accommodate growth. The Dysart Unified School District was officially established as a consolidated K-12 system in 1977 and in 2001 hyper growth created an influx of residents which greatly increased the demand for new schools; the district has since grown to serving over 24,000 preschool through high school students at twenty K-8 schools, four high schools, a pre-school and one alternative program. Dysart schools offer a quality, competitive education to the community, has seventeen schools with an A or B rating from the AZ State Board of Education, and have had eight schools designated as A+ Schools of Excellence by the Arizona Educational Foundation over the past ten years. Dysart plays a key role in training the future workforce of our community by offering award-winning Career and Technical Education programs, Signature Programs, college prep, and testing opportunities. Dysart Unified School District will commemorate its centennial with special events and activities during the 2020-2021 school year. The City of El Mirage and its citizens join in celebrating the 100th anniversary of the Dysart Unified School District. Dr. Quinn Kellis, DUSD Superintendant, gave a brief presentation and accepted the proclamation.

Mayor Hermosillo proclaimed this the **100th anniversary of the Dysart United School District.**

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 comments 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 minutes of the Regular Council Meeting held Tuesday, July 7, 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. (City Clerk)
3. Consideration and action to authorize the City Manager to amend the Professional Services Contract with Bustamante & Kuffner, P.C., to extend the term of the Contract for an additional three-year term at a cost not to exceed \$10,000 per year and assign Jorge Gastelum the Contract Administrator. (Community Development)
4. Consideration and action to approve Microsoft PHX80 Final Plat submitted by the Microsoft Corporation for an Industrial Use located at 12901 West Olive Avenue, El Mirage, Arizona 85335. (Community Development)
5. Consideration and action to approve license agreement with Crown Castle Fiber LLC to install and operate wired facilities in the right-of-way (ROW). (Community Development)
6. Consideration and action to approve an agreement with LexisNexis Risk Solutions at a cost of \$1,260 to provide data access to locate and identify current public records information. (Community Development)

7. Consideration and action to award a contract to Redhawk Solutions using the City of Peoria JOC No. ACON53118 for the purpose of modifying the traffic signal at the intersection of Thunderbird Road and the Grand Avenue Frontage Road in the amount of \$22,922 including a 10% contingency. (Community Development)
8. Consideration and action to authorize the City Manager to enter into a construction contract with Scholz Contracting, LLC to install a minimum of 1,900 linear feet of water main within the Public Utility Easement (PUE) between Alto Street and Palm Street in an amount of \$500,000 including a contingency. (Community Development)
9. Consideration and action to authorize purchase of six Motorola APX portable radios from Motorola Solutions, in an amount not to exceed \$54,753, to fully equip all Fire Department apparatus and to waive the competitive bid process. (Fire)
10. Consideration and action to approve the destruction of Personnel Records that have reached the end of their retention period as authorized under ARS §41-151.19. (Human Resources)
11. Consideration and action to approve a purchase with CDWG for a Cisco Catalyst network switch, associated software and maintenance utilizing the National IPA contract (2018011-01) in an amount not to exceed \$54,580.73. (Information Technology)
12. Consideration and action to approve a five-year agreement for the purchase of replacement Tasers for the Police Department from Axon under state contract #CTR049284-1 at a cost not to exceed \$203,242.05 with a year one cost of \$32,090.85. (Police)
13. Consideration and action to enter into a multi-year IGA with Maricopa County to utilize the Sworn Officer Basic Training Academy for Police Officer Recruits. (Police)
14. Consideration and action to purchase two fully-marked and equipped police motorcycles, CIP Activity Code 62040, at a total cost not to exceed \$69,241 from Go AZ Motorcycles. (Police)
15. Consideration and action to approve an updated contract with Dysart Unified School District (DUSD) for services of a Police Department School Resource Officer (SRO) at Dysart High School with a reimbursement cost not to exceed \$105,500 from DUSD. (Police)
16. Consideration and action to approve entering into a contract with LexisNexis Risk Solutions at a cost not to exceed \$4,850 for use of the Accurint Virtual Crime Center. (Police)
17. Consideration and action to approve a contract with Exerplay to install an adaptive play structure at Gateway Park using Salt River Pima-Maricopa Indian Community (SRP-MIC) 12% Gaming Grant funding in an amount not to exceed \$56,000 and authorize the Finance Department to make any necessary transfers. (Public Works)
18. Consideration and action to approve use of Empire Pump Corporation for City well site maintenance and repairs in FY21 in an amount not to exceed \$90,000. (Public Works)
19. Consideration and action to approve the use of Keller Electric for maintenance services to water and wastewater facilities in an amount not to exceed \$55,000. (Public Works)
20. Consideration and action to request, and accept if awarded, a recycling grant from the Arizona Recycling Coalition (AzRC) in an approximate amount of \$5,000 to develop new measurable recycling initiatives to improve the recovery of recyclables and the circularity of Arizona and authorize Finance to make necessary budget transfers. (Grants/Public Works)

21. Consideration and action to approve Resolution R20-08-17 declaring and adopting the results of the Primary Election held Tuesday, August 4, 2020. (City Clerk)

Vice Mayor Delgado moved to approve Consent Agenda Items 1 through 21 as presented; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

6. **REGULAR AGENDA**

1. Consideration and action to establish a temporary, special task force to review proposed land use modifications to the El Mirage Title XV: Zoning Code: Land Use Volume 2 Chapter 154. (Community Development)

Planner/GIS Jose Macias reported that Council approved the City Manager to amend the Professional Services Contract with planning consultant Michael Baker International on July, 7, 2020, for the completion of revisions to the City of El Mirage zoning code and land use. Michael Baker Int'l. has requested that the City create a temporary special task force comprised of governing bodies and City stakeholders to assist in reviewing updates to the zoning code and land use. Staff is seeking volunteers to join the task force.

Councilmember Shapera stated Michael Baker Int'l. was a good company and volunteered himself; he also recommended former Planning and Zoning Commissioner Monica Dorcey and current P&Z Chairman Martin Crosby, to serve on the task force. Councilmember Shapera identified a need for individuals residing in the community, and/or experience in the planning and zoning area to be the best fit for this situation. Councilmember Dorcey accepted to join the task force and also suggested P&Z Commissioner Skip Ast as a potential second P&Z member. Councilmember Norton volunteered but Council consensus was to have two Council members and two Planning and Zoning Commissioners comprise the committee (to be decided among themselves).

Vice Mayor Delgado moved to establish a temporary, special task force to review proposed land use modifications to the El Mirage Title XV: Zoning Code: Land Use Volume 2 Chapter 154; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

2. Consideration and action to approve Resolution R20-08-16 adding the presented fees and service charges to the consolidated fee schedule for FY20/21. (Finance)

Finance Director Robert Nilles explained the review fees for Traffic Control Plans were overlooked during the budget process and new proposed fees will replace the current fees for this item.

There were no questions or comments.

Vice Mayor Delgado moved to approve Resolution R20-08-16 adding the presented fees and service charges to the consolidated fee schedule for FY20/21; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

3. Consideration and action to ratify expenditure by Public Works Department (Public Works).

Public Works Director Nick Russo explained a purchase order to procure water meters for some of the City's residential and commercial residents exceeded the purchase order threshold for fiscal year 2019-2020. Mr. Russo requested the expenditure be ratified.

There were no questions or comments.

Vice Mayor Delgado moved to ratify expenditure by Public Works Department; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

4. Consideration and action to approve amendment to the City's agreement with Parks and Sons to provide sanitation services to the City and authorize the Finance Department to make appropriate budget transfers in an amount not to exceed \$403,000. (Public Works)

Public Works Director Nick Russo presented and provided a recap of the June 16, 2020, Council Work Session which reviewed the City sanitation services and the recycling program, with direction to continue the program for fiscal year 2021. Mr. Russo explained the need to amend the Parks & Sons current agreement to accommodate direction provided from the work session. Mr. Russo identified the increase in cost to the City per unit/per month from \$7.82 to \$11.77, with the cost made of two components regular trash and recyclable processing/disposal. Mr. Russo stated the proposed amendment allows for an annual cost review and adjustment based on the City's future direction for the recycling program. The total estimated impact of the sanitation fund will be \$403K, with sufficient fund balance and reserve to absorb the cost for fiscal year 2021. Mr. Russo further explained upon Council approval tonight, Public Works will move forward with the E-Town Hall in the fall to gather public input along with a planned rate study for next year's budget process.

There were no questions or comments.

Vice Mayor Delgado moved to approve an amendment to the City's agreement with Parks and Sons to provide sanitation services to the City and authorize the Finance Department to make appropriate budget transfers in an amount not to exceed \$403,000; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

5. Consideration and action to approve Ordinance O20-08-05 amending City Code Chapter 32 by repealing Section 32.043(f) and adding Section 32.010 changing the standing authority to unilaterally declare an emergency from solely the Mayor to the whole council. (Vice Mayor Roy Delgado and Councilmember David Shapera)

Councilmember Shapera and Vice Mayor Delgado agreed that changing the standing authority from solely the Mayor, to the whole council when declaring an emergency shouldn't fall on the Mayor's shoulders alone. Mayor Hermosillo expressed her appreciation for the concern, and acknowledged her expectations regarding her responsibilities as a Mayor. Mayor Hermosillo expressed her concerns regarding the emergency nature of events and the potential for lack of effective responsiveness by not being able to assemble a full quorum of the council in a timely manner. Mayor Hermosillo was open to a hybrid version of the status quo with a 72-hour ratification process in place, where council can ratify the Mayor's emergency action(s). Mayor Hermosillo acknowledged the importance of cohesiveness and collaboration when making key decisions. Councilmembers Richards and Norton echoed the Mayors concerns. Mayor and Council discussed the current City code and State legislature pertaining to emergency decision-making, and the responsibilities that came with Mayorship. Vice Mayor Delgado expressed his concerns regarding the lack of State leadership during the pandemic and the need for council to collaborate with the Mayor, to determine the best course of emergency response rather than leave it solely to the Mayor. Council discussed the unexpectedness of the current pandemic and the possibility of additional situations in the near future, calling for emergency actions to be taken. Further debate was had regarding the importance of council being part of the deliberation process. Councilmember Dorcey stated she had researched this item and weighed in on both sides of the debate; she further stated the City had limited emergency situations. The COVID-19 pandemic was an example of the current council moving cohesively and communicating as much as possible, which reflected a

team effort. City Manager Dyches clarified public business must take place through a public meeting in order to avoid violating the open meeting law. City Attorney Justin Pierce stated for official actions a public meeting would need to be held, the City Manager can provide and receive updates to/from Council individually to give her input on directions. City Attorney Pierce further explained the City Manager cannot share the provided information with another individual Councilmember. He further explained the current City code and stated cities that have gone in this same direction have varied codes; does the Council want to make changes on the front or ratification after the decision. Councilmember Winston requested this item be placed on hold until the City can better determine the process for Council collaboration when faced with an emergency situation. City Attorney Pierce stated the City can hold an emergency meeting without having to post for 24 hours prior with a conference call with all Council but Council would just have to post that an emergency meeting was held. Mayor Hermosillo called for a Roll-Call vote.

Vice Mayor Delgado moved to approve Ordinance O20-08-05 amending City Code Chapter 32 by repealing Section 32.043(f) and adding Section 32.010 changing the standing authority to unilaterally declare an emergency from solely the Mayor and whole Council; seconded by Councilmember Shapera. Roll Call vote was taken.

Vote: 4 - 3 Passed

NAY: Mayor Alexis Hermosillo
 Councilmember Anita Norton
 Councilmember Kallimayor Richards

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 provided an update on the Fire Chief selection process stating the City has sixty applicants with thirty applicants meeting the minimum requirements and nine selected to move forward to the interview process.

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.

Vice Mayor Delgado expressed his gratitude to all residents for voting in the August 4th election.

Councilmember Richards stated he had recent discussions with Economic Development Manager Tom Doyle regarding a small business leaning toward coming to the City of El Mirage. Councilmember Richards had discussed the opportunities within the City to help this dining business to make an informed decision regarding location. The business has submitted their paperwork for licensing with hopes of opening the end of September 2020.

Councilmember Shapera asked City Manager Dyches the status regarding the library project. City Manager Dyches responded she is meeting with City Engineer Jorge Gastelum to discuss the next steps and the Mayor recently had a conversation with County Supervisor Hickman to see if there would be any County participation. **Councilmember Shapera** stated the City had passed a County bond in the past; he was unclear of the process but suggested it may be an option to pursue.

Councilmember Winston expressed her gratitude to City Manager Dyches for the updates on installation of the traffic light at Acoma and Dysart; this has allowed her to provide current and accurate information to resident inquiries.

9. **ADJOURNMENT - The meeting was adjourned at 7:12 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, August 18, 2020 and a quorum was present.

Sharon Antes, City Clerk