

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, OCTOBER 20, 2020**

Minutes

1. **ROLL CALL**

Present: Mayor Alexis Hermosillo; Vice Mayor Roy Delgado; Councilmember Monica Dorcey; Councilmember Anita Norton (via phone); 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 November 1, 2020, as Extra Mile Day. (Administration)

Deputy Director/Intergovernmental and PR Amber Wakeman presented by stating El Mirage is a community which acknowledges that a special vibrancy exists within the community when its individual residents collectively "go the extra mile" in personal effort, volunteerism, and service. El Mirage encourages its residents to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community. El Mirage is a community which chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift-up fellow members of their community. El Mirage acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2020.

Mayor Hermosillo proclaimed November 1, 2020, to be **Extra Mile Day**. She urged each individual in the community to take time on this day to not only "go the extra mile" but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community and country a better place.

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 the minutes of the Work Session and the Regular Council meeting held Tuesday, October 6, 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)

Vice Mayor Delgado moved to approve Consent Agenda items 1 and 2 as presented; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

6. REGULAR AGENDA

1. Public hearing, closure of public hearing, followed by consideration and action to approve Resolution R20-10-19 authorizing the City to submit a grant application to Maricopa County Community Development Division (MCCD) for FY2021-22 Community Development Block Grant (CDBG) funds, and execute subsequent award agreements, to add sidewalk for ADA accessibility and roadway replacement on Myer Lane, and authorize Finance to make necessary budget transfers. (Grants/Engineering)

Mayor Hermosillo opened the Public Hearing.

Grants and Special Programs Administrator Dr. Autumn Grooms presented this item stating the proposed Myer Lane ADA Sidewalk Project is eligible for CDBG funds. The project will focus on accessibility and safety by providing concrete sidewalk, curb and gutter, sidewalk ramps, and some pavement replacement on the North side of Myer Lane between 119th Avenue and Main Street. The City's priority is seeking CDBG funding not to exceed \$600,000 with a \$40,000 Match (Design and Construction Management). This project will increase pedestrian and ADA Accessibility.

Councilmember Shapera stated there was a sidewalk on the other side of the street, and asked why the City prioritized this project over replacement of City water and sewer lines that are in bad condition. Public Works Director Nick Russo acknowledged the need for CDBG area water and sewer line replacement, and stated funding amounts are also considered when reviewing potential projects. Mr. Russo stated the \$600,000 funding would not cover much of the proposed water and sewer line area, whereas this same amount would cover the sidewalk project. The water and sewer line would be submitted under a future application. **Councilmember Norton** stated although the City submitted an application for CDBG funding, this did not guarantee the City will be a recipient of those funds. The approval of water lines tends to be more prevalent during the judging phase.

Hearing no further comments Mayor Hermosillo closed the Public Hearing.

Vice Mayor Delgado expressed his concern for the safety of children walking to school and the need for a sidewalk on the other side of the street, and he acknowledged his support for the proposed project. **Mayor Hermosillo** echoed Vice Mayor Delgado's statement.

Vice Mayor Delgado moved to approve Resolution R20-10-19 authorizing the City to submit a grant application to Maricopa County Community Development Division (MCCD) for FY2021-22 Community Development Block Grant (CDBG) funds, and execute subsequent award agreements, to add sidewalk for ADA accessibility and roadway replacement on Myer Lane; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

2. Consideration and action to approve Resolution R20-10-20 repealing and replacing City Code Title IX: General Regulations, Chapter 93: Abandoned Property in its entirety. (Police Department)

Police Chief Paul Marzocca stated the goal was to replace the abandoned property ordinance that's been in effect since 2007. He requested Council approval for R20-10-20 which allows the Police Department to post abandoned items on the City's website as opposed to prior newspaper posting requirement, and updates definitions and procedures.

Vice Mayor Delgado moved to approve Resolution R20-10-20 repealing and replacing City Code Title IX: General Regulations, Chapter 93: Abandoned Property in its entirety; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

3. Consideration and action to approve Ordinance O20-10-07 repealing and replacing City Code Title IX: General Regulations, Chapter 93: Abandoned Property in its entirety. (Police Department)

City Clerk Antes stated the City can, per State law, cut down on costs by publishing one page of an Ordinance by reference to the preceding Resolution in the local newspaper, as opposed to paying for multiple pages, which would increase the cost considerably.

Vice Mayor Delgado moved to approve Ordinance O20-10-07 repealing and replacing City Code Title IX: General Regulations, Chapter 93: Abandoned Property in its entirety; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

4. Consideration and action to approve Resolution R20-10-21 amending the Code of El Mirage by adopting a new Chapter 97 (Recreational Marijuana) in Title IX (General Regulations) of the El Mirage City Code. (Attorney)

City Attorney Justin Pierce identified the "Smart and Safe Arizona Act" known as Proposition 207 and its placement on the November 3, 2020, general election ballot. The League of Arizona Cities and Towns has been working on a model ordinance that would allow municipalities to continue to have local control and regulate how the marijuana ordinance would apply within their jurisdiction. The resolution and ordinance are being brought forward to help resolve potential issues raised from a think tank group of attorneys to preserve local regulatory authority, with the understanding that Council can amend or relax those prohibitions in the future. Mr. Pierce referenced Proposition 207 (2006) entitled "Private Property Rights Protection Act," that essentially states if a government entity made a zoning decision which resulted in a property devaluation, the government would be responsible for providing just compensation to the owner. The issue that think tank attorneys addressed was the effect on current zoning in a city or town and when that would take effect should the 2020 ballot Proposition 207 pass. Mr. Pierce stated should Prop 207 (2020) pass, a potential situation could come up whereby a City rezones property to avoid having marijuana facilities in unfit locations within their City/Town, and the City may have to provide "just compensation" if the property lost value due to the rezoning. This resolution and ordinance is to maintain the status quo and allow for the City to be in a better position to coordinate where it would allow such facilities.

Councilmember Shapera was not in favor of approving this ordinance prior to the November 3rd Election and did not want to circumvent proposition 207. Mr. Pierce responded that the ordinance has a conditional effect; if the proposition does not pass then the ordinance is irrelevant. Mr. Pierce further explained by approving the ordinance today, it safeguards municipalities from property owners coming back and asking for potential "just compensation" on any rezoning issues. Councilmember Shapera stated re-zoning of properties requires City approval. Councilmember Dorcey asked what the risk would be to the City of El Mirage by waiting until after the vote. Mr. Pierce reiterated his earlier comments and stated this allows the City of El Mirage's governing body to maintain control and safeguards against potential litigation; the Governor's proclamation has no concrete date so by setting an effective City date it affords protections. Mayor Hermosillo, Vice Mayor Delgado, and Councilmembers Winston, Norton, Dorcey, and Richards echoed City Attorney Pierce's comments and reiterated the need to protect the City from potential litigation.

Vice Mayor Delgado moved to approve Resolution R20-10-21 amending the Code of El Mirage by adopting a new Chapter 97 (Recreational Marijuana) in Title IX (General Regulations) of the El Mirage City Code; seconded by Councilmember Norton.

Vote: 6 - 1 Passed

NAY: Councilmember David Shapera

5. Consideration and action to approve Ordinance O20-10-08 amending the Code of El Mirage by adopting a new Chapter 97 (Recreational Marijuana) in Title IX (General Regulations) of the El Mirage City Code. (Attorney)

City Attorney Pierce stated this is a procedural issue allowing the City to post one page of the Ordinance by reference to the preceding approved resolution instead of multiple pages, thereby providing considerable savings to the City.

Vice Mayor Delgado moved to approve Ordinance 20-10-08 amending the Code of El Mirage by adopting a new Chapter 97 (Recreational Marijuana) in Title IX (General Regulations) of the El Mirage City Code; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

6. Consideration and action to approve Ordinance O20-10-09 setting forth and fixing the dates, times and location of the 2021 City Council Meetings. (City Clerk)

City Clerk Sharon Antes stated Council had received the dates, explanations and the ordinance in their packets, and she would answer any questions. No questions were received.

Vice Mayor Delgado moved to approve O20-10-09 setting forth and fixing the dates, times and location of the 2021 City Council Meetings; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

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 announced the City had the Veteran Memorial plans for Veterans Park and introduced Public Works Director Nick Russo. Mr. Russo presented three preliminary conceptual designs using the Armed Forces logo with the actual rock reserved for the Homeowners Association.

Mayor and Council consensus was to proceed with option one with minor tweaks.

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 attended the CDAC virtual meeting with Grants and Special Programs Administrator, Dr. Autumn Grooms and stated an additional seventy-five thousand (\$75k) had been allotted for CARES ACT funding to assist City residents with utility bills. Vice Mayor Delgado introduced Dr. Grooms who echoed the Vice Mayor's comments and added the funds were also being used for rental assistance and broadband internet services. Dr. Grooms stated the application should be released shortly and the County will be administering the funds to alleviate municipality staff resources. **Councilmember Dorcey** stated she has been working with the NWV YMCA District Executive Director Mr. Paul McKim towards setting up a free flu shot event at the Y; the date is yet to be determined.

Councilmember Richards expressed his gratitude to City staff's exceptional customer service.

Councilmember Shapera recommended City Manager Dyches look into having digital speed sign displays displaying vehicle speeds on both Dysart and El Mirage Roads due to excessive speeding and recommended the use of contingency funds to cover the associated costs.

Councilmember Winston encouraged individuals to get their flu shots.

9. **EXECUTIVE SESSION**

1. Consideration and action to convene into Executive Session, pursuant to A.R.S. § 38-431.03.A.1, A.3, and A.4, to review the City Manager's contract renewal, review new laws regarding Oaths of Office, and review process for Judicial replacement. (Attorney)

Vice Mayor Delgado moved to convene into Executive Session to review the City Manager's contract renewal, review new laws regarding Oaths of Office, and review process for judicial replacement; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

10. **RESUME REGULAR AGENDA**

1. Consideration and action to approve the City Manager's proposed contract per legal advice and discussion in Executive Session. (Attorney)

Vice Mayor Delgado moved to approve the City Manager's proposed contract per legal advice and discussion in Executive Session; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

11. **ADJOURNMENT - The meeting was adjourned at 8:04 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, October 22, 2020 and a quorum was present.

Sharon Antes, City Clerk