

# 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, DECEMBER 1, 2020**

**Minutes**

1. **ROLL CALL**

Present: Mayor Alexis Hermosillo; Vice Mayor Roy Delgado; Councilmember Monica Dorcey; Councilmember Anita Norton; Councilmember Mike Hutchinson; 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. **PRESENTATIONS**

1. U.S. Census 2020 Recap. (Administration)

Intergovernmental and PR Deputy Director Amber Wakeman introduced Mr. Luis Cardenas Camacho, Arizona Partnership Specialist for the United States Census Bureau. Mr. Camacho presented an overview of the 2020 Census and identified the increased response rates for 2020 in comparison to the 2010 Census. He addressed the fact that this was the first nationwide online Census without any downtime or data breaches (average response time of nine minutes). The majority of responses were online followed by mail-in and then telephone. The non-response followup consisted of 33% of U.S. households with 64 million addresses counted in a 68-day period for the year 2020 (47.2 million addresses in 2010). He outlined the various participating Census groups which included partnership specialists, enumerators, area Census offices, partners, and complete count committees. Mr. Camacho further identified State self-response rates and pointed out Arizona's rate as 64.1%. The projected release date for State population counts is December 31, 2020. The 2020 Census count will affect state congressional districts for the 2022 midterm elections, as well as Electoral College votes for the 2024 presidential race. Redistricting counts will be available in 2021 but no specific date has been determined. Mr. Camacho concluded his presentation by expressing his appreciation to Mayor, Council, and City Staff for their monumental participation during the 2020 Census. Mayor Hermosillo acknowledged and expressed her gratitude to City Clerk Sharon Antes for taking the lead on the 2020 Census project for the City.

2. Presentation to Council on the 2021 state and federal legislative sessions. (Administration)

Intergovernmental and PR Deputy Director Amber Wakeman presented an overview of the 2021 legislative session. Ms. Wakeman reported the first regular session of the 55th Legislature will begin on January 11, 2021. Governor Ducey will provide the State of the State Address and the Executive budget will be released with no cuts to State Shared Revenue. Ms. Wakeman described the Arizona State Legislature and identified Arizona State Senators and State Representatives in districts 13, 21, and 29 who represent El Mirage. Ms. Wakeman identified the passing of Propositions 207 (legalize

marijuana) and 208 (increase the tax on incomes for public education) in the recent 2020 General Election. She then explained the guiding principles of the League of Arizona Cities and Towns which are to protect local decision-making, protect State shared revenues, and oppose unfunded mandates.

Ms. Wakeman reported on the 2021 State legislative issues that would impact the City of El Mirage. Some of those issues include support the continued development of Proposition 400 efforts and legislation to increase statewide transportation funding, support efforts to work collaboratively to make homelessness brief and nonrecurring, and support a statewide approach for cancer presumption for Fire personnel. She identified issues to watch which include changes to election legislation, Governor's ability to declare states of emergency, legislation to "further the cause" of Proposition 207, and Police reform (body cameras, independent third party investigations for use of force, de-escalation training, racial sensitivity, and statewide police officer disciplinary database and limiting qualified immunity). Ms. Wakeman identified Maricopa County Supervisor Clint Hickman, United States Senators Mark Kelly and Senator Kyrsten Sinema, and Congresswoman Debbie Lesko (District 8), and outlined the Federal legislative issues. Issues acknowledged were transportation infrastructure projects, economic development, support COVID relief packages for municipalities, support an accurate count for Census 2020, international trade through the U.S. Mexico-Canada agreement, and support of legislation to streamline documentation required to demonstrate the Environmental Protection Agency (EPA) that exceeding the air quality standards were caused by exceptional events such as dust storms.

#### 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 Regular Council meeting held Thursday, November 5, 2020 and the Special Council meeting held Monday, November 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 R20-12-25 amending the City of El Mirage Personnel Policy Manual dated July 10, 2008, section 3.9 Overtime/Compensatory Time. (Human Resources)
4. Consideration and action to approve Resolution R20-12-23 amending the City of El Mirage Personnel Policy Manual dated July 10, 2008, section 3.21 Vacation Leave Payout. (Human Resources)
5. Consideration and action to approve an agreement with CivicPlus for the purpose of upgrading the City's website in an amount not to exceed \$22,000. (Information Technology)

6. Consideration and action to approve an Economic Development Contract with GIS Planning for website software for commercial property search and City information. (Economic Development)
- 7.
8. Consideration and action to extend contract EM20-INSP01 with Consultant Engineering, Inc. in the amount of \$50,000 and approve the Finance Director to make necessary budget transfers. (Community Development)
9. Consideration and action to authorize the City Manager to enter into an Intergovernmental Agreement with the City of Glendale setting forth the roles and responsibilities of the Dysart Road Improvement Project between Northern Avenue and Peoria Avenue. (Community Development)
10. Consideration and action to adopt the 2021 update to the Design & Development Standards Manual as an official City document. (Community Development)
11. Consideration and action to approve the procurement of facility environmental assessment services with DEC Inc., Terracon, and Western Technologies in an amount not to exceed \$35,000. (Public Works)
12. Consideration and action to approve proposal for PCL construction to complete phase 1 of the PW21-WRF01 effluent filter project in an amount not to exceed \$530,000 and for the finance department to make necessary transfers. (Public Works)
13. Consideration and action to approve Arizona Public Service (APS) utility easement on City property in order to facilitate the construction of electrical vehicle charging station. (Public Works)
14. Consideration and action to accept the fiscal year 2020 Comprehensive Annual Financial Report. (Finance)

Vice Mayor Delgado moved to approve items 1 through 6 and items 8 through 14 as presented; seconded by Councilmember Shapera.

**Vote:** 7 - 0 Passed - Unanimously

## 6. **REGULAR AGENDA**

0. 6.1A. Consideration and action to authorize the City Manager to enter into a Professional Services Contract with Kimley-Horn and Associates to provide engineering design services for speed cushions along Acoma Drive and 127th Avenue in the amount not to exceed \$10,500. (Community Development)

**Consent item number 7 was pulled from the consent agenda and considered under Regular Agenda Item 6.1A.**

Assistant City Engineer Bryce Christo explained the City conducted speed studies as part of the City Neighborhood Traffic Calming Program (approved FY19/20) allowing committee members to request speed cushions in areas where speeding is an issue. Mr. Christo stated an independent third party conducted speed studies on two locations 127th Avenue and Acoma Drive with recommendation for speed cushions.

**Councilmember Shapera** stated the need to review the collected data (traffic counts and complaints etc.) to ensure best action. **Councilmembers Shapera and Winston** addressed prior concerns with the school district and public safety vehicles maneuvering over these speed cushions. Mr. Christo

stated the City had the requested data and would be able to provide it. Mr. Christo further explained, a year ago four test locations were selected for placement of rumble strips to deter speeding, from this test and study two locations were identified. Mr. Christo explained to date there were only three speed bumps within City limits. **Councilmember Norton** echoed the need for additional data and requested data from other cities be included. Mr. Christo responded the City had tailored speed cushion policy from the City of Peoria's with a few revisions, he will reach out for additional City data. **Councilmember Hutchinson** asked if any of the data included vendor data and reduction in citations and/or collisions. Mr. Christo stated he would look into providing the information.

**Councilmember Shapera** expressed his concerns regarding negative feedback from within the Community once the speed cushions were in place. **Mayor Hermosillo** recommended a community outreach to obtain feedback. Mr. Christo added pursuant to City policy, the community is advised of the recommended action to determine if there is a majority in favor of moving ahead with the project, this includes approval from areas governed by Homeowner Associations (HOAs). **Vice Mayor Delgado** expressed his appreciation for looking at the City of Peoria's speed cushion policy.

**Councilmember Winston** echoed Councilmember Shapera and added information regarding proposed projects can be provided to the HOAs for dissemination throughout their community. Mr. Christo stated the policy requires input from residents within a set distance from speed cushion placement, nobody actually lives on Acoma so a Community outreach would be a better option. Mayor Hermosillo recommended tabling this item for a future Council meeting.

Vice Mayor Delgado moved to table item 6.1A to a future date and after more information could be provided to Council in order to authorize the City Manager to enter into a professional service contract with Kimley-Horn and Associates to provide engineering design services for speed cushions along Acoma Drive and 127th Avenue in the amount not to exceed \$10,500; seconded by Councilmember Shapera.

**Vote:** 7 - 0 Passed - Unanimously

1. A Public Hearing, closure of Public Hearing followed by consideration and action to approve a Conditional Use Permit Amendment requesting the addition of 14 dwelling units to a recently approved Multi-Family Use development submitted by the BFH Group LLC, in an Urban Corridor Zoning District located at 12945 W. Greenway Road, El Mirage, Arizona 85335. (Community Development)

Mayor Hermosillo opened the public hearing.

Planner/GIS Jose Macias presented this request for a Conditional Use Permit (CUP) amendment for Fourplex Investment Group (FIG) for an additional 14 dwelling units to a recently approved Multi-Family Use development. He identified the various uses on all sides and the proposed 14 dwelling units to be constructed above seven garage buildings and reviewed the photos, site plan/floor plan, elevations, and the proposed CUP amendment application. The site is located outside the Luke Air Force Base Noise Contour Zone, but still inside the Military Airport Territory, and meets the Luke Air Force Base Graduated Density Concept. One public comment was received from the Dysart Unified School District stating there were no additional comments or objections. Staff had no comments and the Planning & Zoning Commission recommended approval at the November 10, 2020 Public Hearing with a 4-0 vote.

**Councilmember Norton** asked where was the parking for the additional units. Mr. Macias explained extra garage units were approved with the initial permit, this comment was echoed by the applicant representative Garrett Seely. **Councilmember Dorcey** asked why these additional dwelling units were not accounted for in the original plan and Mr. Seely stated he simply did not think about it at the time. **Councilmember Winston** clarified the covered garage parking was an additional fee for renters, and asked when was the expected completion date and Mr. Seely stated the projected completion date for residency is December 2021. **Councilmember Hutchinson** asked how the building would look from the Greenway side of the road. Mr. Seely answered that the only

difference between the front and back of the garage building was one less window in the back. **Councilmember Shapera** asked if the garage units would be limited to vehicular use under a signed contract with the renter and Mr. Seely responded that yes, only vehicles would be allowed to park in the garages and this would be mandated by contract.

Hearing no further comments, Mayor Hermosillo closed the public hearing.

**Councilmember Shapera** commented that applicants need to be better prepared when submitting an application by identifying all project plans. **Mayor Hermosillo** commented the applicant had acknowledged the reason behind an amendment application.

Vice Mayor Delgado moved to approve a Conditional Use Permit Amendment requesting the addition of 14 dwelling units to a recently approved Multi-Family Use development submitted by the BFH Group, LLC, in an Urban Corridor Zoning District located at 12945 W. Greenway Road, El Mirage; seconded by Councilmember Shapera.

**Vote:** 7 - 0 Passed - Unanimously

2. Consideration and action to authorize the City Manager to amend the Professional Services Contract with bo ARCH L.L.C. to provide additional design services and construction documents for a library programming room in an amount not to exceed \$30,610, utilizing the Baboquivari Unified School District No. 40 Request for Qualifications for On-Call Professional Architectural Services RFQ # S.A.V.E. (Community Development)

Community Development Director/City Engineer Jorge Gastelum presented by stating bo ARCH L.L.C. is requesting an amendment to the current contract with the City of El Mirage to provide additional services. Mr. Gastelum reviewed the preliminary design for the new library and outlined two open patio areas. Mr. Gastelum addressed a request from the Maricopa County Library District (MCLD) to provide a dedicated room for community programming. MCLD currently uses the El Mirage Senior Center for programming space, since the Senior Center is located adjacent to the existing El Mirage Library. Upon relocation of the library to the old fire station MCLD will no longer be able to utilize the Senior Center for programming space. It is the request of MCLD that one of the proposed open patio areas be designed as an additional community programming space. Mr. Gastelum identified the proposed programming room (East patio) with just under twelve hundred square feet of space. The additional cost (MCLD to reimburse the City), for design services and construction documents for the community programming space is \$30,610. Mr. Gastelum stated the current contract amount was \$166,230.00 with the additional cost amending the contract amount to \$196,840. The current construction cost is budgeted for \$1.8 million with the estimated construction cost for the programming space being \$350,000, the total construction cost would increase to \$2,150 million.

**Councilmember Norton** asked why the additional twelve hundred square foot community room was so expensive. Mr. Gastelum stated this was just an estimated cost and MCLD would be reimbursing the City. **Councilmember Dorcey** asked if the programming space was to be utilized by members of the public or library administration only. City Manager Dyches clarified the space would be utilized for children programming (daytime) and adult programming (evening). **Councilmember Shapera** acknowledged staff's expertise in securing reasonable costs and expressed his approval for this project. **Vice Mayor Delgado** stated as a library board member he had toured many city and town libraries, which often included a data programming room. **Councilmember Hutchinson** clarified the City was to be reimbursed for the design costs and echoed Councilmember Shapera's approval of the project. **Councilmember Hutchinson** asked if the seating for eight in the center of the proposed design would be moved to the new programming space or remain separate. Mr. Gastelum responded the seats would remain separate, however, MCLD will continue to review the designs as they are very much involved in the design. **Councilmember Winston** clarified the new space would include soundproofing to ensure noise did not filter into the main library areas. Mr. Gastelum confirmed

Councilmember Winston's comments. **Councilmember Norton** asked if the actual cost would be coming back before Council. Mr. Gastelum responded the City will draft an amendment to the current IGA with MCLD to include reimbursement of costs.

Vice Mayor Delgado moved to authorize the City Manager to amend the Professional Services Contract with bo ARCH LLC, to provide additional design services and construction documents for a library programming room in an amount not to exceed \$30,610, utilizing the Baboquivari Unified School District No. 40 Request for Qualifications for On-Call Professional Architectural Services; seconded by Councilmember Shapera.

**Vote:** 7 - 0 Passed - Unanimously

3. Consideration and action to authorize City Attorney Justin Pierce to execute the One Arizona Opioid Settlement Plan Memorandum of Understanding (MOU) on behalf of the City of El Mirage. (Administration/Legal)

City Attorney Justin Pierce stated local governments across the Country to include Arizona have been litigating against the opioid industry in response to their alleged unethical and illegal practices. The Arizona Attorney General's office and fifteen County attorneys have negotiated a preliminary settlement for Arizona government to secure financial resources to contend with the devastation that has been caused within Arizona communities. The total amount of money received by Arizonans is dependent upon the number of local governments that participate. There is no cost to the City and unless the City intends to litigate individually against the opioid manufacturers it would be in the City's best interest to join the MOU.

**Councilmember Dorcey** asked if this MOU was connected to the recent guilty plea by Purdue Pharma. City Attorney Pierce stated it was connected, but not directly tied to that situation.

Vice Mayor Delgado moved to authorize City Attorney Justin Pierce to execute the One Arizona Opioid Settlement Plan Memorandum of Understanding (MOU); seconded by Councilmember Shapera.

**Vote:** 7 - 0 Passed - Unanimously

4. Consideration and action to discuss, nominate, and designate a member of Council as Vice Mayor pursuant to City Code § 32.041. (Mayor)

Mayor Hermosillo expressed her appreciation to Vice Mayor Delgado for his service and identified the completion of his two-year term, pursuant to City Code §32.041 (Vice Mayor). Mayor Hermosillo nominated Councilmember Dorcey for the City Vice Mayor seat. Vice Mayor Delgado expressed his gratitude for the opportunity to serve the City in his role as Vice Mayor.

Vice Mayor Delgado moved to approve the nomination of Councilmember Monica Dorcey as Vice Mayor; 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 identified the recent surge in COVID-19 cases and stated the City would be open to members of the public by appointment only beginning December 1 through December 23, 2020. The safety and well-being of members of the public and staff were paramount. Ms. Dyches

further added the City would be closed in observance of the winter holidays from December 24, 2020, through December 31, 2020. She expressed her gratitude to Mayor, Council and staff for their role in the recent strategic planning and wished everyone happy holidays.

**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.

Councilmember Delgado expressed his concerns with the recent COVID surge and asked everyone to stay safe over the holidays. Councilmembers Shapera and Norton wished everyone happy holidays. Councilmember Winston echoed Councilmember Shapera and Norton and encouraged folks to participate in the upcoming Sparkle Festival.

**9. EXECUTIVE SESSION**

- 1. Consideration and action to adjourn into Executive Session pursuant to A.R.S. §38-431.03.A.1 and A.7 to discuss a compensation proposal for the City Clerk and to receive legal advice for the sale or purchase of real property. (Council and Community Development).

Councilmember Delgado moved to convene into Executive Session to discuss a compensation proposal for the City Clerk and to receive legal advice for the sale or purchase of real property; seconded by Councilmember Shapera.

**Vote:** 7 - 0 Passed - Unanimously

**10. ADJOURNMENT - Meeting was adjourned at 8:00 pm.**

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Alexis A. Hermosillo, Mayor

ATTEST:

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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, December 1, 2020, and a quorum was present.

  
\_\_\_\_\_  
Sharon Antes, City Clerk