

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, JANUARY 5, 2021**

Minutes

1. ROLL CALL

(Mayor Hermosillo and Councilmember Norton attended via phone)

Present: Mayor Alexis Hermosillo; Vice Mayor Monica Dorcey; Councilmember Roy Delgado; Councilmember Mike Hutchinson; 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. 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.

4. 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 following meetings (City Clerk):
Special E-Session, Mon., November 30, 2020
Work Session Strat. Plan, Mon., November 30, 2020
Work Session Audit, Tues., December 1, 2020
Regular Council meeting, Tues., December 1, 2020
Special E-Session, Mon., December 7, 2020
Special E-Session, Mon., December 14, 2020
Special Council Meeting, Wed., December 16, 2020

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. (Finance)
3. 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)
4. 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 a Parcel Access Evaluation Report in the amount not to exceed \$6,700. (Community Development)
5. Consideration and action to approve the use of Good News Construction through City of El Mirage contract PW21-WSS01 to complete FY21 CIP 62076 in an amount not to exceed \$125,000. (Public Works)
6. Consideration and action to allocate \$75,000 in Community Development Block Grant-CV (3) funds authorized by the CARES Act for rental and utility assistance that will be managed by the Maricopa County Human Services Department. (Grants)
7. Consideration and action to approve a professional services contract with Bustamante & Kuffner, P.C., an Arizona professional corporation "Law Firm" to provide prosecutorial legal services for a period of six months beginning January 1, 2021 for a flat fee of \$49,500. (City Manager).

Vice Mayor Dorcey moved to approve Consent Agenda items 1 through 7 as presented after corrections to titles and Councilmember names in attendance at the 11/30/2020 and 12/7, 14, and 16, 2020 minutes; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

5. **REGULAR AGENDA**

1. Public hearing, closure of public hearing, followed by Council's consideration and action to recommend to the Arizona Department of Liquor Licenses & Control approval/disapproval of an application for a transfer license for Circle K, 13777 N. Dysart Road. (Police)

Mayor Hermosillo opened the Public Hearing.

Police Chief Paul Marzocca reported three active liquor licenses in this area and the Circle K is near one day care center, no schools or churches. He further reported the Circle K has an 'Active" City of El Mirage business license. He concluded that the Police Department has no recommendation.

Councilmember Shapera asked who completes the background check on the applicant. Chief Marzocca responded local police completes the background and submits its findings to the State Liquor Board.

Hearing no comments from the Public, Mayor Hermosillo closed the Public Hearing.

Councilmember Norton moved to approve an application for a transfer license for Circle K, 13777 N. Dysart Road; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

2. Consideration and action to update Council membership on the Public Safety Sub-Committee. (Councilors Shapera and Hutchinson)

Councilmember Shapera addressed the need for active sub-committee involvement and updating of its members. He further recommended himself and **Councilmembers Hutchinson** and **Winston** for the Public Safety Sub-Committee due to their public safety backgrounds. **Mayor Hermosillo** asked if a designated person would be assigned to record the minutes and were policies in place to ensure compliance with Arizona's Open Meeting Law. **Councilmember Shapera** confirmed minutes would be taken by an assigned person and Open Meeting Law requirements would be followed. City Attorney Justin Pierce clarified the need to adhere to Arizona's Open Meeting Law and ensure notices, agendas, and minutes are published accordingly. Mr. Pierce further advised **Councilmember Shapera** to recommend a motion to appoint individuals to the Public Safety Sub-Committee. **Councilmember Shapera** made a recommendation for a motion to appoint himself and **Councilmembers Winston** and **Hutchinson** to the Public Safety Sub-Committee.

Councilmember Shapera moved to appoint himself, Councilmember Mike Hutchinson and Councilmember Donna Winston to the Public Safety Sub-Committee; seconded by Councilmember Mike Hutchinson.

Vote: 7 - 0 Passed - Unanimously

3. Consideration and action to update Council membership on the Dysart Unified School District Sub-Committee. (Councilors Shapera and Hutchinson)

Councilmember Shapera acknowledged the recent open channel of communications with the Dysart School Board and the importance a sub-committee with the Dysart Unified School District would play in discussing common interests. He further identified **Vice Mayor Dorcey's** good relations with the Dysart School District, and subsequently recommended her for membership to the Dysart Unified School District Sub-Committee. **Mayor Hermosillo** asked if the City had been in communication with the school district regarding their role within this sub-committee. **Councilmember Shapera** confirmed the school's awareness of the sub-committee and although the assigned school contact chose not to run for office, the school board approved this method of interacting with the City of El Mirage. **Councilmember Norton** volunteered to be a part of this sub-committee. **Mayor Hermosillo** asked if there was an expectation of when, how, and where the meetings would take place. **Councilmember Shapera** responded discussions within the sub-committee would make these determinations, along with ensuring compliance for publishing notices. **Councilmember Dorcey** recommended the appointed sub-committee Chairperson contact the school board to obtain its board members willing to participate on the sub-committee. **Councilmember Hutchinson** acknowledged the School Board's excitement towards continued interactions with the City. **Mayor Hermosillo** recommended a motion for **Vice Mayor Dorcey** and **Councilmember Norton** for membership to the Dysart Unified School District Sub-Committee.

Vice Mayor Dorcey moved to appoint herself and Councilmember Norton to the Dysart Unified School District Sub-Committee; seconded by Councilmember Norton.

Vote: 7 - 0 Passed - Unanimously

4. Consideration and action to update Council membership on the Recreation Sub-Committee. (Councilors Shapera and Hutchinson)

Councilmember Shapera acknowledged the lack of a prior active Recreation Sub-Committee and identified the need to expand recreation for the Community. **Councilmember Shapera** also identified the need for discussions pertaining to recent access to school district facilities to determine possible recreational uses. **Mayor Hermosillo** volunteered to be on the sub-committee. **Vice**

Mayor Dorcey also volunteered for the Recreation Sub-Committee and stated her goal was to assist with a positive implementation of the recently signed Intergovernmental Agreement (IGA) between the City and the School District. **Councilmember Norton** also volunteered for the Committee. **Councilmember Shapera** recommended a motion to appoint **Mayor Hermosillo, Vice Mayor Dorcey, and Councilmember Norton** to the Recreation Sub-Committee.

Councilmember Shapera moved to appoint Mayor Hermosillo, Vice Mayor Dorcey, and Councilmember Norton to the Recreation Sub-Committee; seconded by Councilmember Hutchinson.

Vote: 7 - 0 Passed - Unanimously

5. Consideration and action to Council membership on the Chamber of Commerce Sub-Committee. (Councilors Shapera and Hutchinson)

Councilmember Shapera stated the Chamber of Commerce is not as active within the City of El Mirage as he hoped and to his understanding only minimal sub-committee meetings had been held in the past. **Councilmember Shapera** further stated he brought this sub-committee forward as members listed were no longer on City Council; recommended a possible disbandment and asked City Attorney Pierce best practice. City Attorney Pierce advised a motion be made to table the item for review to dissolve the Chamber of Commerce Sub-Committee.

Vice Mayor Dorcey moved to approve tabling consideration for the Chamber of Commerce Sub-Committee; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

6. Consideration and action to update Council membership on the Employee Relations Sub-Committee. (Councilors Shapera and Hutchinson)

Councilmember Shapera expressed the importance of the Employee Relations Sub-Committee and its active longevity during the transition of City Administration. **Councilmember Shapera** recommended a motion to appoint himself and **Councilmembers Winston and Hutchinson** as members. **Councilmember Hutchinson** stated he would second the recommended motion. **Councilmember Norton** stated more discussion was needed. City Attorney Pierce advised that with a motion and second motion, discussion was allowed to continue but at some point a vote would need to take place or an amended motion or a withdrawal of the initial motion needed to be completed. **Councilmember Norton** stated she was integral in the initial sub-committee discussions and would like to volunteer for this sub-committee. **Mayor Hermosillo** recommended herself and **Councilmember Delgado** for the sub-committee; **Councilmember Delgado** stated he currently has a busy schedule with the CDBG Committee. **Mayor Hermosillo** asked City Attorney Pierce the best practice to recommend a substitute motion. Mr. Pierce advised if a substitute motion is offered and seconded, then Council would vote on replacement of the current motion with the substitute motion. Mr. Pierce further advised if the substitute motion doesn't pass, then Council would be required to revert to the original motion and vote on it. Council discussion was held regarding membership recommendations. **Councilmember Norton** recommended a substitute motion to appoint **Mayor Hermosillo** and **Councilmembers Winston and Hutchinson** to the Employee Relations Sub-Committee; seconded by Mayor Hermosillo. Mr. Pierce advised Mayor and Council discussion on the substitute motion was able to proceed now that the substitute motion had been recommended and seconded. **Councilmember Hutchinson** stated employee relations experience should play a role in membership selection and recommended **Councilmember Shapera**.

Councilmember Norton moved to vote on the substitute motion to appoint Mayor Hermosillo, and Councilmembers Winston and Hutchinson to the Employee Relations Sub-Committee; seconded by Mayor Hermosillo.

AYES - Mayor Hermosillo, Councilmember Norton

NAYS - Vice Mayor Dorcey, Councilmembers Delgado, Hutchinson, Shapera, Winston

Vote: 2 - 5 Failed

Councilmember Shapera moved to vote on the original motion to appoint himself, and Councilmembers Winston and Hutchinson to the Employee Relations Sub-Committee; seconded by Councilmember Hutchinson.

AYES - Vice Mayor Dorcey, Councilmembers Delgado, Hutchinson, Shapera, Winston

NAYS - Mayor Hermosillo, Councilmember Norton

Vote: 5 - 2 Passed

7. Consideration and action to discuss City Court facilities relating to future needs for Court operations. (Councilors Shapera and Hutchinson)

Councilmember Shapera expressed the need for a professional study of the City of El Mirage Court building to determine the Court's needs for the next 15 - 20 years. **Councilmember Shapera** explained the State has facility standards that need to be met. He further stated a professional study would help to determine if a new court facility was needed or upgrades made to the current sixty-year old City Court building. **Vice Mayor Dorcey** and **Councilmember Hutchinson** recognized the need for a study to determine the next action and included a request for a cost analysis, noting interest rates were low at present if a new build was recommended.

Councilmember Delgado asked if the current CDBG Library building could be included.

Councilmember Shapera asked City Attorney Pierce for clarification on this agenda item and if discussions pertaining to the library were acceptable. Mr. Pierce stated yes library conversations could be included with this agenda item as long as they pertain to the Court building. Mayor Hermosillo echoed support for the study and cost analysis. **Councilmember Shapera** recommended a motion to provide a directive to City Manager Crystal Dyches to move forward with obtaining a professional court building study. Mr. Pierce clarified that pursuant to Mayor and Council's comments a motion to provide direction to the City Manager was not required.

Councilmember Shapera withdrew the motion. Ms. Dyches asked if Council wanted this item to be budgeted for next fiscal year (FY2021/2022). **Councilmember Shapera** requested funds be located during the current fiscal year to ensure a prompt professional study be completed as soon as possible, and noted the City Manager come back to Council if the dollar amount exceeded the threshold.

6. **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 continued rise in COVID-19 cases throughout Maricopa County and the City of El Mirage leading the City to extend its "by appointment only" status for City facilities through January 19, 2021.

Ms. Dyches stated the budget process is fast approaching and requests for capital, personnel or budget requests to be considered by Council must be provided to her by Thursday, January 7, 2021.

Ms. Dyches stated the Surprise Resource Center, Community Action Program (CAP) will be resuming services at the El Mirage Senior Center Monday through Wednesday from 8:00 am to

noon; hours may be expanded by appointment. An online application is also available.

Ms. Dyches acknowledged the County's CDBG-CV Cares Act funding beginning January 15, 2021. To assist with the increased applicant assistance requests, an online portal to pre-screen applicants has been set up (mortgage assistance available to qualified applicants). Staff is working with the County to design a marketing piece that will be inserted in the City water bills to include this information.

7. **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 Hutchinson expressed his appreciation to Mayor Hermosillo for the moment of silence in honor of the passing of prior Councilmember Jack Palladino. Councilmember Hutchinson stated he had sent condolences to Mr. Palladino's widow.

Councilmember Shapera asked City Manager Crystal Dyches to provide a status on the traffic signal on Acoma. City Manager Dyches stated she would obtain the information and provide an update. **Councilmember Shapera** further asked Ms. Dyches the status on clearing intersections and traffic light issues to alleviate traffic incidents. Ms. Dyches responded she had reached out to the City Engineer and an official update would be provided.

Councilmember Winston wished everyone a 'Happy New Year' and asked people to 'Mask Up' to help mitigate the spread of COVID-19.

8. **ADJOURNMENT - The meeting was adjourned at 6:54 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, January 5, 2021, and a quorum was present.



Sharon Antes, City Clerk