

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 -THURSDAY, JANUARY 21, 2021**

Minutes

1. ROLL CALL

Present: Mayor Alexis Hermosillo; Vice Mayor Monica Dorcey; Councilmember Roy Delgado; Councilmember Anita Norton (via phone); 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. 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. PROCLAMATION

1. Proclamation to recognize January 2021 as Speak Up, Stand Up, Save a Life Month. (Administration)

City Clerk Sharon Antes acknowledged the Arizona Developmental Disabilities Planning Council's request for the City of El Mirage to join other cities from Maricopa County in combating youth suicide, bullying, substance abuse and associated stigmas by supporting the Speak Up, Stand Up, Save a Life. The movement is in its fifth year and has reached over 400,000 youth in Arizona.

Mayor Hermosillo proclaimed the month of January 2021 as STAND UP, SPEAK UP, SAVE A LIFE MONTH.

5. PRESENTATIONS

1. Dysart Ranchettes Irrigation System Update. (Public Works)

Public Works Director Nick Russo presented to Council and stated an exploration of the Dysart Ranchettes irrigation system was conducted through the Summer of 2020. At the request of some Dysart Ranchettes irrigators, services were scheduled during the weekday/weekend daytime hours. The previous schedule was weekend only, twenty-four hours per day. The change in operations was monitored to evaluate the effect on City resources and compare metrics (electricity, equipment, staff time, water pumped, and water lost). Staff developed a recommendation on the future operation of the system based on the results.

The increase in equipment usage (well starts and stops) resulted in a 25% cost increase for electricity. Due to the high volume of pump starts, equipment usage increased by 325%. In 2020, the well pump motor was started and stopped nearly five times more than in 2019. The number of starts/stops contributed directly to the useful life of well site equipment. Staff time increased by 219% due to the increased number of staff hours required to start/stop the well pump. Additional staff hours were required to create multiple schedules each week, compared to the creation of one schedule every two weeks. The water pumped increased by 23% from 2019 due primarily to the drier weather conditions of 2020 in comparison to 2019; rainfall in 2020 was half of 2019 per Maricopa County Flood Control. Water loss (water sitting in ditches before evaporating) increased by 148% over 2019. The irrigation system lost over 1.9 million gallons more in 2020. Mr. Russo summarized that the resources used during the evaluation period increased substantially.

Staff recommends discontinuance of the weekday irrigation schedule and implement change during the off season to minimize customer interruption. All forms of customer outreach will be used to effectively communicate with resident irrigators. The 2021 irrigation season's operational improvements include weekend irrigation schedule re-implementation, 24 hr. format and the launch of online signups.

Councilmember Shapera asked if the increase in well pumping had decreased the well's water levels. Mr. Russo responded no, and explained recent data from measurements taken by the County at one of the monitoring wells at Thompson Ranch actually showed an increase in water levels. Mr. Russo further stated when a well is pumped the water will typically draw down and then refill. **Councilmember Shapera** asked if the irrigation schedule changes were the only reason for the considerable (325%) equipment increase usage. Mr. Russo explained the daytime schedule and drier weather conditions increased usage of the well pump motor (starting and stopping), resulting in the high equipment usage number. Mr. Russo further explained Public Works conducted this daytime irrigation schedule at the behest of the resident irrigators. **Councilmember Shapera** asked how much water was used during a one-week period. Mr. Russo stated the wells run between eight hundred (800) and eleven hundred (1100) gallons per minute; fifty thousand gallons hourly (50,000 x number of hours), and weekend hours typically run anywhere between twenty and forty hours. To summarize, the estimated total water usage for a regular weekend is between one and two million gallons of water. **Councilmember Shapera** asked if the City receives any State credit for tailwater from the irrigation system. Mr. Russo responded no credits would be issued as the water is not being returned to the sewer system. **Councilmember Delgado** expressed his appreciation to Public Works for trying an alternate schedule, and acknowledged the resident irrigators' concerns regarding safety (irrigating after dark), and lack of responsibility (signing up for water but not utilizing it). **Councilmember Norton** acknowledged the considerable equipment usage (325% increase) during the evaluation as well as recognizing resident irrigators' concerns; she also expressed her appreciation to staff for running the test and agreed with their recommendation to re-implement the original system.

2. Presentation by Paul McKim, Executive Director of the Northwest Valley Family YMCA. (City Manager)

YMCA Executive Director Mr. Paul McKim introduced Mr. Lance Thornton, his replacement as Executive Director for the Northwest Valley YMCA. Mr. McKim stated his new role within the YMCA would be focusing on healthy living for the entire association. Mr. McKim continued with his presentation by stating the YMCA beliefs are focused in three areas - 1) developing youth by nurturing the potential of every child, 2) promoting healthy living and well-being of all ages, and 3) giving back and providing support to neighbors as a social responsibility. Overall, the Y's "cause" is to strengthen communities and the main goal is to raise well-adjusted adults by supporting healthy family growth. Mr. McKim reviewed the Y's COVID-19 pandemic timeline, and identified emergency childcare (50% scholarship assistance for essential workers, in addition to scholarships already provided to many children), online schooling working with fifteen different schools, partnering with the Arizona Charter Academy (ACA), and providing a Summer camp when many other childcare facilities and schools were closed. Mr. McKim outlined programs provided to include Safety Around Water, which provided free swim lessons to the kids enrolled and was opened up to the community as well as the Youth and Government program via Zoom with Mayor Hermosillo as the guest speaker which was a huge success. Mr. McKim closed by reviewing the field usage for youth sports and identified \$18,500 in revenue generated.

Councilmember Shapera asked what was included for youth sports and was advised by Mr. McKim that basketball and volleyball were the primary sports.. **Councilmember Hutchinson** asked what the total membership number was. Mr. McKim answered a little over five hundred and fifty units (a unit can be mobile and averages three people per unit). **Councilmember Norton** asked if other schools asked for assistance from the YMCA in virtual learning lab. Mr. McKim responded no, the YMCA reached out and offered virtual learning to include the Dysart School District, however, they already had their virtual learning in place.

Mr. McKim reviewed the Y's proposed new rate structure and identified new membership types (senior, one adult family, and commitment). The commitment discount rate applies to members who keep their membership for a determined amount of time such as six or twelve months. The El Mirage resident membership is now valley wide (access to all locations). Mr. McKim further identified the income based rates to help those needing financial assistance as well as scholarship memberships (both of which are month to month). The month to month is to ensure those in financial hardship are not committed to a long time fee.

Councilmember Delgado asked if there was a military discount. Mr. McKim replied military rates were provided but have not been included in the presented rate changes. **Councilmember Winston** clarified that military included veterans and asked what the senior age was. Mr. McKim responded the senior age group was sixty-five years of age with many of the senior programs being paid for by the senior's insurance company. Many seniors are covered due to a medical condition, making them eligible for the Silver Sneaker insurance coverage. **Councilmember Shapera** asked if other YMCAs have resident/non-resident rates. Mr. McKim stated they do not.

Councilmember Shapera also asked if it would be beneficial for the YMCA to include the resident rate for people residing in the area, i.e., City of Surprise. Mr. McKim responded the YMCA membership currently consists of approximately 50% El Mirage followed closely by Surprise residents at 45% and the remaining 5% comprised of members from Youngtown, Litchfield Park, and Glendale. Mr. McKim further stated although Surprise has a good population, it also has several competitors in the form of gyms. Mr. McKim addressed his new role with the Y's organization is to showcase the fitness aspect of the Y in addition to its family and children programming, branching out attracting more memberships by showcasing the fitness opportunities within the YMCA. **Councilmember Hutchinson** asked if the six or twelve month rate would apply to all the YMCA's. Mr. McKim acknowledged that this rate applies to all valley-wide memberships; currently previous rates are being sold while proposing these new rates to ensure rate uniformity amongst all the valley-wide Y's. **Councilmember Hutchinson** additionally referenced

the City's contract with the Y and identified language within that refers to the waiving of a \$75 initiation fee contingent upon a twelve-month membership contract; the City would reimburse the Y the initiation fee. **Councilmember Hutchinson** expressed his concern with the fee waiver and recommended a contract review was needed.

Councilmember Norton asked if people would be able to obtain a pool use only membership. Mr. McKim responded the pool was the Y's most expensive operation and it was a question asked a lot throughout the Y's, however, the security measures needed to ensure pool only access is monitored are not feasible. **Councilmember Dorcey** expressed her appreciation to the Y for the huge role it has played providing childcare during the COVID-19 pandemic and congratulations to all members of the staff for doing an amazing job.

6. **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 Tuesday, January 5, 2021. (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/Housing)
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 approve renewal contract with Phoenix West Commercial as broker for City-owned property listed for sale. (Economic Development Manager)
5. Consideration and action to approve the annual membership with Greater Phoenix Economic Council (GPEC) in the amount of \$16,826. (Economic Development).
6. Consideration and action to dissolve and cancel the Chamber of Commerce Sub-Committee. (Councilmember Shapera and Councilmember Hutchinson)

Vice Mayor Dorcey moved to approve Consent Agenda items 1 through 6 as presented; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

7. **REGULAR AGENDA**

1. Consideration and action to authorize the City Manager to draft and execute an addendum to the YMCA contract outlining the membership and subsidy rates as directed by the City Council. (City Manager)

City Manager Crystal Dyches stated the YMCA is asking City Council to consider some changes to the current Y rate structure, as identified in the Y's presentation. She further added the City contributes cash and kind in an approximate amount of \$125,000 annually towards operations. Ms. Dyches stated another \$100,000 from the General Fund is transferred to debt service to offset the

annual debt service payment. She further echoed the consistent statement that costs to the City would rise significantly should the Y facility fall under City operation. Ms. Dyches stated proposed changes to the current rate structure would increase the City's contribution by approximately \$5,000 annually (based on memberships). A copy of the contract and five addendums had been provided to Council.

Councilmember Shapera stated he had no issues with the increased contribution of \$5,000, and acknowledged the annual City subsidy of \$200,000. He recognized the Y's efforts to increase membership, but would like to see a concerted effort to further increase membership within the next two years. He also suggested that the Recreation Subcommittee work with the YMCA to assist with new ideas to raise memberships, and raised the question of possibly adding pickleball and/or tennis courts to provide the adult community more activities. **Councilmember Hutchinson** voiced concerns the community was under served yet taxpayers annually subsidizes Y but are unable to afford the Y's fees in comparison to local gym membership fees. **Councilmember Dorcey** stated every individual who comes to the Y is treated with respect and offered financial assistance if needed. She also added that preliminary discussions have been conducted to review recreational needs within the community and how to incorporate the new Intergovernmental Agreement (IGA) with the City and School District as well as the Y's involvement. **Councilmember Shapera** requested publicity be provided to the community (water bill inserts etc.) to provide financial assistance information pertaining to memberships. **Councilmember Winston** echoed Councilmember Shapera's comments and added there is the need for public relations (PR) to refresh and remind the community of what the Y has to offer. **Councilmember Shapera** further stated reaching out to the City of Surprise to see if they would contribute to El Mirage's marketing efforts. **Councilmember Delgado** challenged Council to sponsor a YMCA banner and/or make a contribution to the Y. **Councilmember Norton** asked if the Y had memberships from other cities. Mr. McKim responded 45% of memberships were from the City of Surprise, with an additional 5% from Youngtown, Litchfield Park, and Glendale. The Y lost memberships due to the COVID-19 pandemic and are slow to return. The Y does offer financial assistance to provide affordable activities and childcare to everyone. **Councilmember Hutchinson** referenced the Y's addendum two, section 7.4 (Landlord will pay to the Tenant \$75.00 for each initial annual [first twelve consecutive months] resident membership for use of the NW Valley YMCA). He moved to table this discussion until the language could be reviewed. **Councilmember Shapera** stated he would second the motion unless the City Attorney could answer Councilmember Hutchinson's question. **Councilmember Hutchinson** asked City Attorney Justin Pierce if the City would be liable to pay the Y \$75.00 for every initial membership signed up for a consecutive 12-month period. City Attorney Pierce clarified the \$75.00 fee was only for an El Mirage resident's initial membership fee for 12 months, and the El Mirage resident would pay thereafter. Satisfied with the City Attorney's clarification, **Councilmember Hutchinson** withdrew his motion.

Vice Mayor Dorcey moved to authorize the City Manager to draft and execute an addendum to the YMCA contract outlining the membership and subsidy rates as directed by the City Council; seconded by Councilmember Shapera.

Vote: 6 -1 Passed

AYES - Mayor Hermosillo, Vice Mayor Dorcey, Councilmembers Delgado, Norton, Shapera, Winston

NAY - Councilmember Hutchinson

2. 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)

Item tabled and withdrawn from 1/21/2021 agenda, moved to 2/2/2021 Council meeting.

3. Consideration and action to approve Resolution R21-01-01 amending Title III, Chapter 32, Section § 32.066 (B) of the City Code changing the number of signatures required for an Initiative petition filing. (Councilmembers Hutchinson and Shapera)

Councilmember Hutchinson stated this request was initiated from a constituent question regarding the process, prompting him to review City Code. He stated the number of signatures required for initiatives is based on the number of City registered voters, as opposed to the number of votes cast in the previous election. He expressed his concerns that this method was an unfair barrier for El Mirage residents to achieve an initiative petition and stated this Resolution would default the signature requirement back to a percentage of votes cast at the preceding election.

Councilmember Dorcey asked if the previous election votes were from the Primary or the General election results. **Councilmember Norton** referenced the Arizona Supreme Court ruling (calculation of signatures under City Ordinance), and identified the unanimous vote two years prior to initiate an Ordinance to change the initiative signature requirement to registered voters.

She further added changing the signature requirements to votes cast in a previous election means a constant change in required signature numbers; the Ordinance needs to stay in place. City Attorney Pierce clarified under State Law it can apply to either the Primary or the General election depending on whether all seats were determined at the Primary Election or a run-off was held at the General Election. Mr. Pierce added this was a Mayor and Council policy decision (no right or wrong); if an initiative was to be placed on the ballot, the City is currently requiring more support.

Vice Mayor Dorcey stated her experience with the process has afforded her an opportunity to best understand the need to ensure proper due diligence is taken and try to eliminate individuals pushing their own agendas with a very small number of signatures required. **Mayor Hermosillo and Councilmember Delgado** echoed Vice Mayor Dorcey's comments.

Councilmember Delgado asked the City Clerk what cost the City incurs for each election and was advised by City Clerk Sharon Antes that the current cost is (\$0.50) per registered voter or approximately six thousand dollars (\$6,000) per election. **Councilmember Shapera** expressed his concern that making the process difficult inhibits grass root efforts and by easing up on the signature requirements, the process is easier and opens up the ability to produce more initiatives. **Councilmember Hutchinson** stated obtaining signatures from previous elections does not necessarily make the process easy, but helps to simplify the process. He also expressed concerns that voter rolls may be inaccurate when El Mirage residents move out of town and their names still appear on ballots and stated that Council's strategic priority for Community Involvement is made harder by the current Ordinance that discourages El Mirage resident participation. **Mayor Hermosillo and Vice Mayor Dorcey** commented that the initiative route may not be the most efficient method of community involvement; there are more efficient ways to engage in community involvement such that constituents needing issues addressed can reach out directly to Councilmembers. The initiative process should be reserved for when Councilmember efforts are exhausted.

Councilmember Shapera moved to approve Resolution R21-01-01 amending Title III, Chapter 32, §32.066(B) of the City Code changing the number of signatures required for an Initiative petition filing; seconded by Councilmember Hutchinson.

Vote: 2 - 5 Failed

AYES - Councilmembers Hutchinson and Shapera

NAYS - Mayor Hermosillo, Vice Mayor Dorcey, Councilmembers Delgado, Norton, Winston

4. Consideration and action to approve Ordinance O21-01-01 amending Title III, Chapter 32, Section § 32.066 (B) of the City Code changing the number of signatures required for an Initiative Petition filing. (Councilmembers Hutchinson and Shapera)

This item was contingent on passage of Agenda Item 3 which failed - no action required.

5. Consideration and action to approve Resolution R21-01-02 including the attached Exhibit "A" enacting and adopting a supplement (S11 - 2020) to the Code of Ordinances through November 2020. (City Clerk)

City Clerk Sharon Antes explained this Resolution is an exhibit of ordinances that were passed for the year 2020. Arizona State Law requires the City to compile an Ordinance with reference to a Resolution (including Exhibits) for a cost savings to the City. This is a codification of what has already passed.

No comments were received.

Vice Mayor Dorcey moved to approve Resolution R21-01-02 including the attached Exhibit "A" enacting and adopting a supplement (S11-2020) to the Code of Ordinances through November 2020; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

6. Consideration and action to approve Ordinance O21-01-02 enacting and adopting a supplement (S11 2020) to the Code of Ordinances for the City of El Mirage. (City Clerk)

City Clerk Sharon Antes explained this Ordinance accompanies Resolution 21-01-02 from tonight's agenda item 7.5 which passed.

No comments were received.

Vice Mayor Dorcey moved to approve Ordinance O21-01-02 enacting and adopting a supplement (S11 2020) to the Code of Ordinances for the City of El Mirage; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

8. **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 has no comment.

9. **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 expressed her appreciation to staff for their continued efforts in moving the City forward, and requested Councilmembers provide a picture of themselves from when they were younger for future birthday celebrations.

10. **ADJOURNMENT - The meeting was adjourned at 7:37 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 Thursday, January 21, 2021 and a quorum was present.


Sharon Antes, City Clerk