

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, JUNE 15, 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

Pledge of Allegiance
Moment of Silence

3. PRESENTATION

1. Presentation by Bird Rides, Inc. to introduce their stand-up electric vehicle sharing program. (Development Services)

Development Services Director Jorge Gastelum introduced Kate Shoemaker of Bird Rides, Inc. who presented remotely.

Councilmember Shapera stated he believed there would be no problem in providing a trial and asked Ms. Shoemaker about competitors. Ms. Shoemaker replied she does not anticipate much competition initially. Vice Mayor Dorcey asked for clarification on the fleet manager and was advised the manager would be an El Mirage resident. Councilmember Delgado asked how the scooters are powered and was told they are electric and would be charged by the Fleet Manager. He also asked about helmets and was told users are encouraged to wear them however they are not required in Arizona. Councilmember Shapera stated competition should be allowed if the program is approved and not be an exclusive contract. Councilmember Hutchinson asked whether the app included a waiver of liability and was advised there is a user agreement on-line. He further asked if the City would be listed as an additional insured and was advised yes. Councilmember Norton asked what the maximum speed for the scooters would be, how the braking system worked, and how many accidents/fatalities have occurred; Ms. Shoemaker answered they run at 15 mph, have a hand braking system, and she did not have stats on the number of accidents/fatalities, if any.

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 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 Tuesday, June 1, 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)
3. Consideration and action to approve a purchase with CDW-G for Microsoft Office 365 utilizing State of Arizona Contract ADSPO17-149774 in an amount not to exceed \$36,851.50. (Information Technology)
4. Consideration and action to approve the purchase with CDW-G for Cisco Smartnet maintenance agreement in an amount not to exceed \$40,267.80 utilizing Natiponal IPA Contract 2018011-01. (Information Technology)
5. Consideration and action to authorize the City Manager to negotiate and enter into an IGA with RPTA for Regional ADA Paratransit Service for FY21-22. (Grants)
6. Consideration and action to approve contract PW21-CM01 for Custodial Service for City facilities with Plan B Facility Services in an amount not to exceed \$83,628 for FY22. (Public Works)
7. Consideration and action to approve contract PW21-TSM01 for Traffic Signal Maintenance Services for the City with Redhawk Solutions LLC in an amount not to exceed \$115,500 for FY22 services. (Public Works)
8. Consideration and action to authorize the City Manager to enter in budgeted goods and services contracts to allow Public Works to perform their duties during FY 21/22. (Public Works)
9. Consideration and action to approve the West Valley Mobile Field Force Response Team (MFFRT) IGA with an expiration date of July 1, 2026. (Police Department)
10. Consideration and action to approve a PSPRS funding policy for Police and Fire. (Finance)

Vice Mayor Dorcey moved to approve Consent Agenda items 1-10 as presented; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

6. **REGULAR AGENDA**

1. A Public Hearing, closure of Public Hearing followed by consideration and action to approve a Zoning Application for a Conditional Use Permit request for a Non-Profit, Kiosk and Open Air-Market Use, approve a request to deviate from the Thunderbird Road Overlay District regulations, and a Site Plan Approval for a Commercial Retail and Religious Assembly Use located at 12601 W. Thunderbird Road submitted by Destiny Ministries, LLC. (Development Services)

Planner/GIS Jose Macias presented this proposal; applicants Sean Gillespie and Richard Womack were present to answer questions. There are eight acres of vacant land located at 12602 W. Thunderbird Road and zoned UC Urban Corridor/Thunderbird Road Overlay District. The General Plan lists this area as "The Neighborhood." Mr. Macias reviewed the action item P21-03-10 ELM Community Center & Mercado Conditional Use Permit & Site Plan approval and showed maps of the site, elevations and buildings. He highlighted the stipulations to include that the applicant shall consent to the zoning stipulations and address all the Technical Advisory Committee (TAC) comments/redlines stated in the May 2, 2021 memorandum with the construction and civil plan submittals.

Mayor Hermosillo opened the Public Hearing.

Mayor Hermosillo, Vice Mayor Dorcey, and Councilmembers Hutchinson, Norton, Shapera, and Winston had numerous questions on this project. Specific questions raised to the applicant were concerns about the enclosed containers having proper fire suppression, does the City Code allow vendors on a permanent basis and who selects the vendors, will the entertainment and vendors include local artists, what experience does the applicant have in organizing and conducting this type of concept, will a cut on Thunderbird Road be required and would a traffic signal be needed for ingress/egress, why bring the project forward now without a completed traffic study, will the coffee shop be a permanent structure meeting fire codes and including proper plumbing, what types of businesses are planned for the kiosks and will they have electricity, what are the hours/days of operation for the kiosks, where are public restrooms, and will the stage area be close to residents that may cause noise disturbances. The applicant advised Council that the concept was to create diversity and a family friendly atmosphere with the various components of the project. Applicant provided clarification on some issues raised; a Project Manager would be assigned to oversee the operations, the containers will be fireproof to code, local artists would be sought for the entertainment and events, they have not done this concept in any other area nor have experience with this type of operation, a road cut on Thunderbird Road would be determined once a complete traffic study was available, the kiosks would have electricity and be open seven days per week for mostly craft sales, public bathrooms would be located on the west side of the Mercado.

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

During the Council discussion period Councilmember Hutchinson stated the traffic study needs to be completed before he could decide on this project. Vice Mayor Dorcey stated the number of waivers being requested caused her concerns. She is not in favor of altering the Thunderbird Overlay or the request for a reduction in parking spaces, not having enough information on the need for a traffic signal or a completed traffic study, and she is not sure this is an appropriate space for this project. Councilmember Shapera also stated he believed there were too many unjustified waiver requests and doesn't think this is a good project. Councilmember Winston stated her belief that this project is good but there are too many concerns at this time. Mayor Hermosillo agreed with Councilmember Winston

about the issues though she understands the concept. Councilmember Norton stated she did not believe the stage sound would be a problem with residents to the south as long as the speakers pointed north. Mayor Hermosillo suggested Council review this project again once more information is available. Councilmember Shapera disagreed stating they should not come to Council without complete information and that a vote should be taken; he stated the project is not dead but the applicant needs to work with staff to revise and bring back to Council.

Councilmember Norton moved to table and discuss at a future meeting; motion failed for lack of a second.

Councilmember Shapera moved to deny the project for reasons discussed; seconded by Vice Mayor Dorcey.

Vote: 5 - 2 Passed

NAY: Mayor Alexis Hermosillo
Councilmember Anita Norton (via phone)

2. Consideration and action to approve Ordinance O21-06-08 adopting the City's property tax levies for Fiscal Year 2021-2022. (Finance)

Finance Director Robert Nilles explained the maximum allowable primary property tax levy, amount received from primary property taxes in the current year, property tax levy amounts, property taxes collected and property tax rates. The secondary levy stays the same and the primary levy is dedicated by Council to Police and Fire increases by approximately \$250,000. The primary and secondary rates are reducing from a combined \$3.68 to \$3.39 per \$100,000 of assessed valuation. Adopting Ordinance O21-06-08 is the final step in the property tax levy process.

Vice Mayor Dorcey moved to approve Ordinance O21-06-08 adopting the City's property tax levies for Fiscal Year 2021-2022; seconded by Councilmember Shapera.

Vote: 6 - 1 Passed

NAY: Councilmember Mike Hutchinson

3. Consideration and action to approve timing revisions to the all-red clearance intervals for traffic signals controlled by the City. (Development Services)

Development Services Director Jorge Gastelum reported that a request had been received by the Engineering staff to increase the all-red clearance interval (the period of time that follows the yellow signal indication). The increase in this interval is an attempt to prevent collisions by providing the additional time needed to clear the intersection. While the increase to the all-red clearance interval will reduce the "optimization" of the timing of a signal and reduce the available green time at signals that are coordinated, the additional time could also add a measure of safety without unduly reducing the traffic flow.

Councilmember Shapera stated the intent is to make the Dysart and Thunderbird intersection safer. Vice Mayor Dorcey stated she believes Dysart and Cactus Roads should also be tested and that more data should be gathered to see if timing changes reduce accidents. Councilmembers Shapera and Hutchinson commented there should be more discussion as more data is available.

Vice Mayor Dorcey moved to approve the timing revisions to the all-red clearance intervals for traffic signals controlled by the City; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

4. Consideration and action to approve the recommendations of the Commission Review Board for Planning & Zoning Commissioners to fill three 2-year terms and complete a vacancy for a one 1-year term; proposed Commissioners are incumbents Skip Ast and Martin Crosby, and Bob Jones each for a 2-year term and Leonard Gradillas for the 1-year term. (Commission Review Board Mayor Hermosillo, Councilmember Norton, and Councilmember Shapera)

Mayor Hermosillo commented and Councilmember Shapera concurred that there were numerous good applicants to choose from for service on the Planning and Zoning Commission.

Vice Mayor Dorcey moved to approve the recommendations of the Commission Review Board for P&Z Commissioners to fill three 2-year terms and complete a vacancy for a 1-year term; proposed Commissioners are incumbents Skip Ast and Martin Crosby, and Bob Jones for a 2-year term and Leonard Gradillas for the 1-year term; 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 reported that the ARPA Funding will be just under \$12,000,000 and that there will be a Council Work Session on this topic at the August 17, 2021 Council meeting.

There will also be a presentation and discussion regarding MAG Prop 400 at a Council Work Session on September 9, 2021 (Thursday).

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 Dorcey expressed her appreciation and complemented City Manager Dyches on her MAG presentation regarding the Regional Homelessness Coalition; recommendations are anticipated in the Fall. **Councilmember Delgado** stated he toured AVANTI Windows and Doors along with a number of other Council members and staff; he described the tour and stated he is looking forward to AVANTI coming to the City of El Mirage. **Councilmember Norton** also attended the AVANTI tour and believes they will be a great partner with the City of El Mirage. **Councilmember Shapera** did a ride-a-long with Officer Teron Clay and stated he was surprised at the number of homes with exterior cameras. He encouraged staff to buy the new plug-in hybrids for common areas of the City to be an example for residents. **Councilmember Winston** thanked everyone for their patience regarding the service dog training during the meeting. **Mayor Hermosillo** wished a happy birthday to Amber Wakeman (June 15), Councilmember Winston (June 17), and Police Chief Paul Marzocca (June 2).

9. **ADJOURNMENT - the meeting adjourned at 7:23 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, June 15, 2021 and a quorum was present.



Sharon Antes, City Clerk