

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, AUGUST 17, 2021**

Minutes

1. ROLL CALL

Present: Mayor Alexis Hermosillo; Vice Mayor Monica Dorcey; Councilmember Roy Delgado; Councilmember Anita Norton; Councilmember Mike Hutchinson; Councilmember David Shapera; Councilmember Donna Winston

2. CALL TO ORDER - Meeting was called to order at 6:04 pm.

Pledge of Allegiance
Moment of Silence

Introduction of New Employees:

Police Chief Marzocca introduced Lieutenant Jimmy Chavez, Investigator Specialist Jim Hopson, Officer Tyler Foster, Officer Rochelle Thomas, Officer Adrian Go.

Fiscal Services Administrator Macy Walker introduced Ben Williams, ASU Marvin Fellow Intern.

City Attorney Justin Pierce introduced Attorney Jon Paladini who is a new member of Pierce Coleman law firm.

3. PRESENTATION

1. Presentation by Brigadier General Gregory Kreuder LAFB mission update. (Administration)

Brigadier General Kreuder provided an update on the operations at Luke Air Force Base. LAFB is the largest fighter wing in the Air Force with over 165 aircraft and 7,000 personnel and is the premier fighter training base which also provides space for allies to train.

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.

Dale Gazelka, Quartermaster/Adjutant, VFW Post 285, introduced himself and explained the VFW is looking for a meeting location for future VFW meetings.

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, July 8, 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. (Fire)
3. Consideration and action to purchase from ProForce Law Enforcement, under State Contract CTR049168, thirty(30) Colt AR-15 rifles and related equipment /accessories in the amount of \$1,782.78 each for a total cost of \$58,350.39. (Police Department)
4. Consideration and action to approve an agreement with 180 Solutions for a telecommunications account audit at an estimated cost of not to exceed \$5,000. (Information Technology)
5. Consideration and action to authorize the City Manager to negotiate and enter into a fire study agreement with the Center for Public Safety Management (CPSM) in an amount not to exceed \$52,500 plus a contingency of \$10,000. (Administration/Finance)
6. Consideration and action to submit an application to Maricopa County for \$500,000 Community Development Block Grant-CV authorized by the CARES Act and authorize finance to make the necessary budget transfers. (Community Services/Grants)

Item 6 pulled from the consent agenda and addressed as a regular agenda item.

7. Consideration and action to request and accept funds, if awarded, for a Community Impact Grant Proposal from APS in an approximate amount of \$20,000 to support El Mirage Special Events and authorize Finance to make necessary budget transfers. (Community Services/Grants)
8. Consideration and action to approve the purchase of a vacuum excavator from Ditch Witch of America in an amount not to exceed \$90,000 as part of CIP #62204. (Public Works)
9. Consideration and action to approve the use of Garney Construction to complete FY22 CIP 62122 in an amount not to exceed \$537,000. (Public Works)
10. Consideration and action to approve purchase of goods and services from Gen-tech for repairs to the water reclamation facility generator in an amount not to exceed \$40,000. (Public Works)
11. Consideration and action to approve as to form the memorandum of understanding (MOU) to support the Bartlett Dam Modification Feasibility Study and participate as outlined therein. (Public Works)
12. Consideration and action to approve the first amendment to Plains LPG Services, L. P. license extending the expiration date by 10 years and amending the annual fee. (Development Services)

13. Consideration and action to authorize the City Manager to enter into a Professional Services Contract with Rick Engineering Company to provide land surveying services for the proposed Cheryl Drive half street improvements in the amount of \$2,350. (Development Services)
14. Consideration and action to authorize the City Manager to enter into a Professional Services Contract with NFra, Inc. to provide engineering design services for the north side of Cheryl Drive from El Mirage Road to 121st Avenue in the amount not to exceed \$44,924. (Development Services)
15. Consideration and action to authorize the City Manager to enter into a Professional Services Contract with Lee Engineering to provide engineering design services for a Traffic Safety Assessment at the intersection of Grand Avenue and Acoma Drive in the amount of \$8,000. (Development Services)
16. Consideration and action to authorize the City Manager to enter into a Professional Services Contract with J2 Engineering and Environmental Design, LLC to provide planning services for the City's Courthouse facility in the amount of \$10,186. (Development Services)
17. Consideration and action to authorize the City Manager to enter into a Professional Services Contract with J2 Engineering and Environmental Design, LLC to provide planning services for the City's municipal buildings and recreational facilities in the amount of \$97,520. (Development Services)
18. Consideration and action to approve a Contract with Nationwide Legal Services LLC to provide Legal Process Service for Code Enforcement citations at a cost not to exceed \$10,000. (Development Services)

Vice Mayor Dorcey moved to approve consent items 1-5 and 7-18; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

6. **REGULAR AGENDA**

Consent Agenda #6. Consideration and action to submit an application to Maricopa County for \$500,000 Community Development Block Grant-CV authorized by the CARES Act and authorize finance to make the necessary budget transfers. (Community Services/Grants)

Councilmember Shapera stated he does not approve of the walkway in the wash being created and believes it will require too much upkeep and maintenance. **Vice Mayor Dorcey** asked City Engineer Gastelum to explain the purpose of the walkway. Mr. Gastelum explained the walkway would be paved and large enough for ADA standards. **Councilmember Hutchinson** agreed with Councilmember Shapera and stated he could not support the request. **Vice Mayor Dorcey** stated this request at this time is only to apply for the funding.

Vote: 5 - 2 Passed

NAY: Councilmember Mike Hutchinson
Councilmember David Shapera

1. A Public Hearing, closure of Public Hearing followed by a discussion and action on a Site Plan Approval and Conditional Use Permit request for a Light Manufacturing Use in an Urban Corridor Zone located at 12420 W. Thunderbird Road, Arizona 85335 submitted by Angel R. Torres. (Development Services)

Mayor Hermosillo opened the Public Hearing.

Senior Planner Jose Macias presented information for a site plan and conditional use permit for a modular building manufacturer currently leasing 5,000 SF of space in a building at 12420 W. Thunderbird Road. The applicant, Angel R. Torres, explained this would be an indoor process with various customers. He has been in this industry for twenty-four years and started his own business six months ago.

Councilmember Norton asked if these buildings were built to order and Mr. Torres answered yes. **Councilmember Shapera** asked where the dumpster would be located and where the parking area lighting was located. Mr. Torres said the dumpster area will be enclosed and there were no lights yet designated for the parking area. **Councilmember Shapera** advised they were required and Mr. Macias answered that the parking area will be lighted per code requirements and this will be addressed before project completion. **Councilmember Shapera** asked where Mr. Torres would place the signage for the business. Mr. Macias advised there has not yet been an application for a sign permit. **Councilmember Delgado** asked if Mr. Torres was the owner of the space and Mr. Torres answered he is leasing the space at this time. **Councilmember Delgado** also asked if there would be a sign in front of the property for this business and Mr. Torres advised he would have a small sign posted initially. **Mayor Hermosillo** asked if Mr. Torres would be utilizing the entire building for this business and Mr. Torres answered no, only 5,000 square feet.

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

Councilmember Shapera asked that the parking area lighting be addressed and stated this looks like a good project. **Councilmember Hutchinson** agreed with Councilmember Shapera about the lighting issue and agreed it was a good project. **Councilmember Norton** advised she is pleased to see Mr. Torres taking the initiative with this endeavor.

Vice Mayor Dorcey moved to approve a site plan approval and conditional use permit request for a light manufacturing use in an urban corridor zone with a stipulation added for parking lot lighting at 12420 West Thunderbird Road, Arizona 85335 submitted by Angel R. Torres; seconded by Councilmember Norton.

Vote: 7 - 0 Passed - Unanimously

2. A Public Hearing, Closure of Public Hearing, followed by a discussion and action on a Religious Assembly Use Site Plan and Conditional Use Permit requesting to divert from the Thunderbird Road Overlay District regulation located at 12625 W Thunderbird Road submitted by Radiant Church. (Development Services)

Mayor Hermosillo opened the Public Hearing.

Senior Planner Jose Macias presented information on the amended site plan and advised that the Planning and Zoning Committee has no objections to the project.

The applicant, stated the new site plan moves the building to the front of the property, close to the roadway. He also explained that the facility would be a change life center as well as a church. Both would provide numerous services to residents.

Councilmember Shapera noted this was a better project than when first presented.

Councilmember Winston asked if they would still be using shipping containers and the applicant responded no. **Councilmember Norton** state she liked the new plan and it would be beneficial to the City. She asked if the church services were weekly and the applicant responded yes, there would be gatherings seven days a week. **Councilmember Hutchinson** asked if they would provide lodging at the facility and the applicant replied no. **Councilmember Shapera** asked what type of structure the building would be and the applicant responded it would be a 20,000 SF steel frame structure. **Councilmember Delgado** asked if there would still be bands performing and if there would be access for traffic from the east. The applicant stated there would not be any band performances and yes the traffic from the east would have access. **Vice Mayor Dorcey** asked what the relationship was between Destiny Ministries and Radiant Church. The applicant explained that the pastors were friends and partners sharing duties.

Hearing no comment from the public, **Mayor Hermosillo** closed the Public Hearing.

Councilmember Shapera stated the new plan looks nice and reminded the applicant that as they grow so would their responsibilities to the City. **Councilmember Delgado** agreed with Councilmember Shapera. **Councilmember Norton** stated the plan looked good and the parking changes seem to address the traffic issues. **Councilmember Winston** thanked the applicant for coming back with the changes.

Vice Mayor Dorcey moved to approve the Religious Assembly Use Site Plan and Conditional Use Permit requesting to divert from the Thunderbird Road Overlay District regulation located at 12625 West Thunderbird Road submitted by Radiant Church; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

3. A Public Hearing, closure of Public Hearing followed by consideration and action to approve Resolution R21-08-21 to amend the City of El Mirage, Arizona Zoning Code, Land Use Volume 2, Chapter 154: Zoning Code pertaining to the Rural Area Zoning District (Dysart Ranchettes) and declaring the Resolution and attached Exhibit "A" as a public record (Development Services).

Mayor Hermosillo opened the Public Hearing.

Senior Planner Jose Macias presented information regarding R21-08-21. If approved by Council it would go into effect on September 17, 2021. Mr. Macias also advised that there were public meetings for residents to attend regarding the changes proposed as well as letters sent to all property owners. **Councilmember Norton** asked City Attorney Pierce if they were also approving Exhibit "A" and he stated that the approval of this item would be adopted as public record then the Council could move to the next item for discussion of Exhibit "A".

Ranchettes resident Elizabeth Harmless stated that none of the Ranchette residents were on the task force to discuss changes. She does not want the area to become an HOA. Ranchette resident Ed Blonar stated he has lived in the area for over thirty years and wants to preserve the area as it has been. He does not want businesses to be allowed and would like the current style of living preserved. Ranchette resident Betty Harmless also stated she did not want an HOA in the neighborhood. She would like to preserve the way of life as it is.

Hearing no further comments from the public, **Mayor Hermosillo** closed the Public Hearing.

Vice Mayor Dorcey moved to approve Resolution R21-08-21 to amend the City of El Mirage, Arizona Zoning Code, Land Use Volume 2, Chapter 154: Zoning Code pertaining to the Rural Area Zoning District (Dysart Ranchettes) and declaring the Resolution and attached Exhibit "A" as a public record; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

4. Consideration and action to approve Ordinance O21-08-10 to amend the City of El Mirage, Arizona Zoning Code, Land Use Volume 2, Chapter 154: Zoning Code pertaining to the Rural Area Zoning District (Dysart Ranchettes), and declaring a public record by reference in Resolution R21-08-21, including Exhibit A.

Senior Planner Jose Macias presented information regarding Ordinance O21-08-10 including Exhibit "A." **Councilmember Norton** requested discussion prior to the approval of the amendment with votes taken on individual sections of the Code. She stated there are several changes that cause concern and many inconsistencies that cause confusion and will be difficult to enforce. She detailed many items and definitions that were of concern to her and stated these changes would alter the lifestyle of the Ranchettes. Below are the individual motions and action taken:

1. Councilmember Norton moved to amend O21-08-10 by retaining the word “ranching” in Section 154.020 (B) Definitions – Agricultural/Ranching.

Motion failed for lack of a second

2. Councilmember Norton moved to amend O21-08-10 by retaining “public stables” in Section 154.020 (B) Definitions – Stable, Public.

Motion failed for lack of a second

3. Councilmember Norton moved to amend Section 154.090 C (2) by creating a new 154.090 B (2) as follows: Cargo containers shall not be used for living quarters and ~~shall not~~ MAY be provided with ~~refrigeration, heating, electricity or plumbing~~ THE SAME PROVISIONS AS BUILDINGS; seconded by Councilmember Shapera.

Passed unanimously 7/0.

4. Councilmember Norton moved to amend the new proposed Section 154.098 (B) (4) by inserting an exclusion for property line fences and walls as follows: A detached accessory building or structure shall have a setback of at least three (3) feet if fire rated and five (5) feet if not fire rate EXCLUDING PROPERTY LINE FENCES AND WALLS, from every side and rear property line, with the following exemption or as otherwise stated within this ordinance or applicable building or fire code; seconded by Councilmember Winston.

Passed unanimously 7/0

5. Councilmember Norton moved to amend Section 154.098 D (1)(f) by changing to add “if neither” building is owner occupied,” seconded by Mayor Hermosillo.

Motion failed 3/4

AYE – Mayor Hermosillo

NAY – Vice Mayor Dorcey

NAY – Councilmember Delgado

NAY – Councilmember Hutchinson

AYE – Councilmember Norton

NAY – Councilmember Shapera

AYE – Councilmember Winston

6. Councilmember Norton moved to amend the new Section 154.105 (C) (2) as follows: ~~Parked~~ or stored STORED vehicles shall not overhang into or obstruct any portion of a public right-of-way; seconded by Mayor Hermosillo.

Motion Passed – 4/3.

AYE – Mayor Hermosillo

AYE - Vice Mayor Dorcey

NAY – Councilmember Delgado
 NAY – Councilmember Hutchinson
 AYE - Councilmember Norton
 NAY – Councilmember Shapera
 AYE - Councilmember Winston

7. Councilmember Norton moved to amend Section 154.098 C (1)(f) to eliminate proposed hours of operation for home occupation; seconded by Mayor Hermosillo.

Motion failed 3/4
 AYE – Mayor Hermosillo
 NAY – Vice Mayor Dorcey
 NAY – Councilmember Delgado
 NAY – Councilmember Hutchinson
 AYE – Councilmember Norton
 NAY – Councilmember Shapera
 AYE – Councilmember Winston

Strike-through areas are to be deleted, underlined areas are new/approved as presented at Council meeting, capital letters are amended items to proposed changes.

Vice Mayor Dorcey moved to approve Ordinance O21-08-10 to amend the City of El Mirage, Arizona Zoning Code, Land Use Volume 2, Chapter 154: Zoning Code pertaining to the Rural Area Zoning District (Dysart Ranchettes), with amendments, and declaring a public record by reference in Resolution R21-08-21, including Exhibit A; 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 stated that the Certificate of Achievement for Excellence in Financial Reporting was awarded to the City of El Mirage by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). This is the tenth consecutive year the City of El Mirage has received this prestigious award. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and this attainment represents a significant accomplishment by the City of El Mirage. City Manager Dyches also reminded all that the library groundbreaking will be held August 23 at 10 a.m. at the Fire Station Annex.

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** met with the Arizona Coyotes today to tour the outdoor hockey facility and explore new opportunities for sports clinics at the YMCA. She also spoke with Libby Coral from Valley of the Sun who stated a replacement director will be in place very soon.

Councilmember Shapera asked Vice Mayor Dorcey and City Manager Dyches to speak with the City Prosecutor regarding the Court remodel. He also thanked everyone for contributing to the weekly report and appreciates the information provided each week.

Councilmember Winston stated the Public Safety Sub-committee meeting was a good discussion.

Mayor Hermosillo thanked Councilmembers Delgado and Hutchinson for attending the Tippmann Innovations ribbon cutting in her absence.

9. **ADJOURNMENT - Meeting adjourned at 9:17 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, August 17, 2021, and a quorum was present.

Sharon Antes, City Clerk