

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, NOVEMBER 1, 2022**

Minutes

1. ROLL CALL

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

2. CALL TO ORDER - MEETING CALLED TO ORDER AT 6:00 pm.

Pledge of Allegiance
Moment of Silence

3. PRESENTATION

1. Administer Oaths of Office to newly appointed Councilmember Bob Jones, newly re-elected Mayor Alexis Hermsillo, and three Councilmembers: Anita Norton, Donna Winston, and Monica Dorcey. (City Clerk)

City Clerk Sharon Antes presented the Oath of Office and seating of newly appointed Councilmember Bob Jones and incumbents Vice Mayor Monica Dorcey, Councilmember Anita Norton and Councilmember Winston.

Peoria Mayor Cathy Carlat presented the Oath of Office to incumbent Mayor Alexis Hermsillo.

4. PROCLAMATION

1. Proclamation to celebrate Extra Mile Day November 1, 2022. (Administration)

Deputy Director of Intergovernmental Affairs Amber Wakeman provided information on the history of Extra Mile Day and described the efforts of Fire Department Engineer William Flohr and Police Department Property and Evidence Technician Senior Jason Michael in going the extra mile every day in their work for the City of El Mirage.

Mayor Hermsillo proclaimed November 1, 2022, as Extra Mile Day.

5. 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.

Coco's Towing owner Jimmy Farley thanked the Fire and Police departments for helping to protect tow truck drivers. Mr. Farley also stated his company has provided over 165 thousand bottles of water since program inception, and he appreciates the support of Council for the program.

Resident Justin Hall stated he is experiencing issues with Code Enforcement over a gate he installed at his home. He is being required to reinstall the gate because he did not get a permit for the original installation and is being fined for having his boat parked on the side of his home pursuant to City Code 90.14(H).

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 Work Session and Regular Council meeting held Tuesday, October 18, 2022. (City Clerk)
2. Consideration and action to appoint Alternate Planning and Zoning Commissioner Guadalupe Amarillas to Planning and Zoning Commissioner to fill the vacancy created by Commissioner Jones being appointed to City Council. (Council Commission Review Board members David Shapera, Anita Norton, and Mayor Alexis Hermosillo)
3. Consideration and action to authorize the City Manager to enter into an agreement with Logic Compensation Group, LLC to complete a compensation study for a cost not to exceed \$35,000; waiving the formal purchase requirements under 30.23(3); and authorize the Finance Department to make any necessary transfers. (Human Resources)
4. Consideration and action to reject all bids received for the Dysart Road Improvements Project (City Project No. EM22-ST02). (Development Services) (Activity Number 61909)
5. Consideration and action to enter into a Professional Services Contract (PSC) with Rick Engineering Company to provide land surveying services for the proposed 125th Avenue and Desert Cove Road Drainage Project (#62336) in the amount of \$2,800. (Development Services)
6. Consideration and action to enter into a Professional Services Contract (PSC) with Rick Engineering Company for the preparation of construction documents for roadway improvements on Dysart Road at Cactus Road in the amount of \$20,900. (#62307) (Development Services)
7. Consideration and action to approve payment to Central Arizona Project (CAP) for annual membership in the Central Arizona Groundwater Replenishment District (CAGRDR) in an amount not to exceed \$56,698.91 and authorize the finance department to make any necessary transfers. (Public Works)

8. Consideration and action to authorize the City Manager to order 1826 acre feet (AF) of Central Arizona Project (CAP) sub-contract water and pay the associated delivery and recharge fees in the amount of \$516,758 and authorize the finance department to make any necessary transfers. (Public Works)

Vice Mayor Dorcey moved to approve Consent Agenda items 1-8 as presented; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

7. **REGULAR AGENDA**

1. Public hearing, closure of public hearing, followed by consideration and action to approve Resolution R22-11-24 authorizing the City to submit a grant application to Maricopa County Community Development Division (MCCD) for FY2023-24 Community Development Block Grant (CDBG) funds, and execute subsequent award agreements, to replace sewer main on 5th Avenue in the City's downtown area, and authorize Finance to make necessary budget transfers. (Grants/Engineering/Public Works)

Mayor Hermosillo opened the Public Hearing.

Community Services Manager Dr. Autumn Grooms provided background information on the grant application for CDBG funds to replace a sewer main on 5th Avenue. **Vice Mayor Dorcey** asked if this project would mean the need for sewer line replacements in the area is almost complete and Dr. Grooms stated yes. **Councilmember Delgado** stated he is in favor of this project.

Councilmember Norton asked how old the current system is in that area and Public Works Director Nick Russo stated it was about 30 years old. **Councilmember Norton** asked if it were asbestos lined and Mr. Russo stated no.

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

Vice Mayor Dorcey moved to approve Resolution R22-11-24 authorizing the City to submit a grant application to Maricopa County for FY24 CDBG grant funds, as presented; seconded by Councilmember Shapera.

Vote: 7 - 0 Passed - Unanimously

2. Consideration and action on a site plan zoning application and parking waiver for a warehousing / distribution center use located at the southwest corner of Dysart Road and Joe R. Ramirez Road submitted by Nexen Properties. (Development Services)

Senior Planner Jose Macias presented information on the application and parking waiver. **Councilmember Shapera** stated the project sounds good, and the developer is responsible for providing parking as needed, and they should already know what they need for the location. **Councilmember Winston** asked if lighting and security were addressed and Mr. Macias stated they would be addressed during the site plan phase. **Councilmember Norton** asked why they only need half of the required parking spaces and Mr. Macias stated the applicant is already aware of the total number of spaces needed based on previous properties. **Councilmember Jones** asked if control of the number of spaces needed would be a stipulation in the lease to proposed clients and applicant Albert Madrid stated they can do a parking analysis for new tenants to ensure the proper amount of parking spaces is provided. **Councilmember Shapera** stated City regulations use a generic method for determining spaces needed and the applicant should decide what is needed.

Councilmember Delgado asked if Luke Air Force Base was notified about the lighting and Mr. Macias stated it has been reviewed and there are no issues.

Vice Mayor Dorcey moved to approve a site plan zoning application and parking waiver for a warehousing/distribution center use, as presented; 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 R22-11-23 on a major general plan amendment to the El Mirage 2020 General Plan and Land Use Map, 36 acres of the Agua Fria Planning Area to Commerce/ Industry Park located 0.2 miles east of the southeast corner of Main Street and Cactus Road submitted by 120 El Mirage Partners & Associates. (Development Services)

Mayor Hermosillo opened the Public Hearing.

Senior Planner Jose Macias presented information on the amendment. **Councilmember Shapera** asked what other types of businesses could be developed in this location and Mr. Macias stated developments utilizing larger buildings could be brought to the location as well as manufacturing and assembly type businesses. Applicant Adam Baugh presented information on the amendment and addressed some concerns the residents in the area have shared.

Resident Phillip Bynum asked if residents would be encouraged to utilize the facility with discounts and if fluids leaking from vehicles being stored would be taken care of to prevent contamination of the ground in the area. Mr. Bynum asked if there had been any land studies completed regarding the landscaping being proposed to be added and stated he appreciates the applicant addressing some of the resident's concerns already.

Resident Justina Carothers stated her backyard is next to Cactus Road and the HOA has already provided a fence to block traffic into the wash area and this development would only allow access again. She also stated she does not want any businesses in the wash area and is concerned for her children's safety once the road is extended to the wash.

Resident Mark Smith stated the wash is a natural preservation zone, and it should be reserved for nature. He stated forty feet is not that large of a distance and the extra traffic this would bring to the area will be dangerous to the children.

Resident Michael Manning showed a picture of an owl that lives in the area to be developed and stated the pictures of trash that are being shown are from one resident, not the whole neighborhood. Mr. Manning also stated adding a dog park would impede emergency responders from responding to emergencies in the wash area.

HOA Legal Council Melissa Doolan stated she had been asked by the HOA to speak on behalf of the residents who are concerned about this proposed development. Ms. Doolan stated there is concern about other businesses being developed in the wash area as well as the safety of the school children in the neighborhood. Ms. Doolan stated a petition with 266 signatures was presented to Council, and she asked Council to take the residents concerns into consideration.

Resident Michael Glassman stated he is still confused about what type of developments can be brought to the area and asked how many calls have Councilmembers received regarding this proposed development. Mr. Glassman stated he understands the development would bring money to El Mirage, and he would like Council to consider the residents when deciding on this item.

Resident Danesha Tate-McAllister thanked the applicant for responding to some of her concerns

and asked Council if anyone has contacted them to say they are in favor of this development. Ms. Tate-McAllister stated she has not heard anyone say they want this development approved, and she is concerned that business is taking precedent over citizens and asked Council to listen to the residents.

Councilmember Norton asked the applicant if the dog park would affect emergency access. Mr. Baugh stated the dog park was not in the original plan, and they would be happy to remove it if requested. He stated the dog park location would not affect emergency response to the area and the southern portion of the property will remain undeveloped. **Councilmember Norton** asked if emergency access would be available if the dog park were constructed and Mr. Baugh stated yes.

Councilmember Norton asked if the safety of the school children was being considered in the extension of Cactus Road and if there had been any discussions with the local school district regarding their concerns. Mr. Baugh stated the extension of Cactus Road would provide additional infrastructure to the area which would prevent flooding, and they would be happy to meet with the school district again to discuss any new concerns they may have. Mr. Baugh also stated the property would provide resources to prevent vehicle fluids from leaking into the ground while in storage.

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

Councilmember Shapera explained the process of amending a general plan and stated, although it would be easier if all items could be addressed in one meeting, that is not the way this process works. **Councilmember Shapera** stated that different items come up at different meetings and can not be taken care of all at once and that he has read every letter and email that he has received regarding this item. **Councilmember Shapera** stated Council follows city code and asked for residents to be patient with the process. **Vice Mayor Dorcey** stated El Mirage does not own the land being discussed, and the area has always been planned for development of some kind. **Vice Mayor Dorcey** stated Council can ensure certain uses of the area can be enforced and that they have limitations on what they can do.

Vice Mayor Dorcey moved to approve Resolution R22-11-23 on a major general plan amendment for the El Mirage 2020 General Plan and Land Use Map, as presented; 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 thanked everyone for attending the Fall Festival and congratulated program Coordinator Kassandra Watkins and all staff who contributed to the event.

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.

Vice Mayor Dorcey complimented staff on the hard work put into the Fall Festival.

Councilmember Delgado stated the Fall Festival was very good, and he was astounded by all the costumes. **Councilmember Delgado** also asked staff to begin work on the CDAC project.

Councilmember Jones stated praise for the Public Works department and all staff who worked on the Fall Festival. **Councilmember Norton** stated the Fall Festival was fantastic, and the costumes

were outstanding. **Councilmember Norton** also stated there was a great turnout to the El Mirage Cares webinar and there will be movie on domestic violence shown at the Dysart Community Center on November 16, 2022. **Councilmember Shapera** thanked Public Works for the great work on pavement maintenance on 127th Avenue. **Councilmember Winston** agreed that the Fall Festival was fun and the costumes were great. **Mayor Hermosillo** stated the Fall Festival was amazing and expressed gratitude to the team that put it on.

10. **ADJOURNMENT - MEETING ADJOURNED AT 7:55 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, November 1, 2022, and a quorum was present.



Sharon Antes, City Clerk