

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 -WEDNESDAY, FEBRUARY 22, 2023**

Minutes

1. ROLL CALL

Present: Councilmember Roy Delgado; Councilmember Monica Dorcey; Councilmember Bob Jones; Councilmember Anita Norton; Vice Mayor David Shapera; Councilmember Donna Winston (via phone)

Absent: Mayor Alexis Hermosillo (Excused)

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

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 Regular Council meeting held Tuesday, February 7, 2023. (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 -15I.19. (City Clerk)
3. Consideration and action to approve the destruction of Personnel Records that have reached the end of their retention period as authorized under ARS §41-151.19. (Human Resources)

4. Consideration and action to award a contract to DBA Construction using the City Contract PW19-JOC01 to install the north half of Cheryl Drive in the amount of \$364,726 including contingency. (Activity No. 62047) (Development Services)
5. Consideration and action to approve the FY 23 Greater Phoenix Economic Council (GPEC) annual contract with the City of El Mirage. (Economic Development)
6. Consideration and action to request, and accept if awarded, public safety grants from the Arizona Governor's Office of Highway Safety (GOHS) Grant Program for an approximate amount of \$6,600 to support Occupant Protection and Pedestrian Safety and authorize Finance to make necessary budget transfers. (Grants/Fire)
7. Consideration and action to request, and accept if awarded, a public safety grant from the Arizona Governor's Office of Highway Safety (GOHS) Grant Program in an approximate amount of \$15,000 to support Selective Traffic Overtime & Enforcement and authorize Finance to make necessary budget transfers. (Grants/Police)
8. Consideration and action to approve a request and acceptance of grant funds, if awarded, from the Governor's Office on Highway Safety in an approximate amount of \$30,000 as funds for DUI Overtime and Enforcement for the El Mirage Police Department and authorize Finance to make necessary budget transfers. (Grants/Police)
9. Consideration and action to increase ARPA funding for the replacement fire apparatus project #62201 in the amount of \$800,000 by \$50,000, to accommodate an increase due to inflation of materials and authorize the Finance Department to make necessary budget transfers. (Fire)
10. Consideration and action for the City of El Mirage to enter into a sales agreement with HME Inc. for the manufacturing of a custom Mdl SF22 Pumper Fire Engine, and for authorization to make payments for final purchase as identified in the agreement, at a cost not to exceed \$849,940.85 (Fire)

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

Vote: 6 - 0 Passed - Unanimously

5. **REGULAR AGENDA**

1. A public hearing, closure of public hearing followed by a discussion and action on a conditional use permit application for a request to stack shipping containers on an industrial property located at 10201 N 12th Avenue, El Mirage Arizona 85335 submitted by Simple Box. (Development Services)

Vice Mayor Shapera opened the public hearing.

Senior Planner Jose Macias provided background information on the conditional use permit application. Councilmember Delgado asked for the location of the fire hydrants, what material are the containers made and would there be trash receptacles. Mr. Macias stated the containers are made of metal, there is a hydrant on 121st Avenue and the trash receptacles can be added to the list of stipulations. Vice Mayor Shapera questioned why the fencing was screened instead of block wall and Mr. Macias stated staff prefer block walls, but applicants can present other options for fencing. Dave Black, the Principle for Simple Box, stated the reason for the chain link fence was to

avoid damage from fork lifts. Councilmember Delgado asked what kind of lighting would be used for nighttime and Ron Harris, Engineer for Simple Box, stated additional lighting and a fire hydrant would be installed at the location soon. Councilmember Jones asked the height of the containers are when stacked and Mr. Macias stated seventeen feet.

Vice Mayor Shapera asked for public comments and resident Scottie Gentry stated she had comments for the Call to the Public. Vice Mayor Shapera stated the Call to the Public had already occurred, and this item would be the only item discussed at this time. Ms. Gentry stated she would like to have time to make comments on another topic.

Hearing no further comments, Vice Mayor Shapera closed the public hearing.

Vice Mayor Shapera stated this will be a good addition to El Mirage.

Councilmember Norton moved to approve a conditional use permit application to stack shipping containers on an industrial property located at 10201 N. 121st Avenue, as presented; seconded by Councilmember Delgado.

Vote: 6 - 0 Passed - Unanimously

2. Consideration and action on a site plan zoning application for an outdoor storage use for an Auto Wholesale and Production Center located at 13500 W Olive Avenue, El Mirage, Arizona, 85335, submitted by CVL Consultants. (Development Services)

Mr. Macias presented information on the application. Councilmember Jones asked if the separate acreage to the east of the property would be fenced off to avoid traffic and dust issues and John Thatcher, consultant for CarMax, stated the area would possibly be paved in the future, but there are no plans for it now. Councilmember Jones asked if there will be sufficient parking to avoid the dirt area being used for parking and Mr. Thatcher stated there will not be parking in the dirt area. Councilmember Norton asked what the slanted lines in the parking area would be used for and Mr. Thatcher stated that is a loading/unloading zone. Councilmember Norton asked where the inventory would be stored and Mr. Thatcher showed a design rendering which outlined where the inventory would be stored within a secured area. Councilmember Norton asked how frequently auctions would be held and Mr. Thatcher stated once per week is the average. Councilmember Winston asked what kind of security would be onsite and Mr. Thatcher stated the storage area is secured with a block wall with access controlled by automated gates. Vice Mayor stated the business is running twenty-four hours, so there will be staff on site at all times and Mr. Thatcher stated yes as well as security cameras that are constantly monitored. Councilmember Winston asked what kind of security would be present during the auctions and Steve Hudak, Manager with CarMax, stated off-duty officers have in the past been present and the customer base is all licensed dealers who are vetted by CarMax so security issues are not usually a concern. Councilmember Winston stated she is concerned with issues from the public during auctions and Mr. Huddack stated the auctions are not open to the public. Councilmember Delgado asked how the fuel truck would maneuver through the parking lot and Mr. Thatcher explained there is plenty of space for the fuel truck in the parking area where the tank is buried underground. Councilmember Delgado asked what the size of the tank would be and Mr. Thatcher stated 12,000 gallons. Councilmember Delgado asked what type of fuel it would store and Mr. Thatcher stated he was not sure at this time and would find out.

Councilmember Dorsey moved to approve a site plan zoning application for an outdoor storage use for an Auto Wholesale and Production Center located at 13500 W. Olive Avenue, as presented; seconded by Councilmember Delgado.

Vote: 6 - 0 Passed - Unanimously

3. A public hearing, closure of public hearing followed by a discussion and action on a Conditional Use Permit for an accessory use of a wholesale auction business, a vehicle reconditioning service building use and private fuel tank located at 13500 W Olive Avenue, El Mirage, Arizona 85335 submitted by CVL Consultants. (Development Services)

Vice Mayor Shapera opened the public hearing.

Mr. Macias presented background information on the conditional use permit. Councilmember Delgado asked how the wastewater would be handled on the property and Mr. Thatcher stated they recycle 90% of the wastewater after it has been through the filtering process. Councilmember Norton asked if the waste receptacles would be emptied regularly and Mr. Thatcher stated they would be discarded appropriately on a regular basis, and they would be regulated and monitored to ensure they are meeting standards.

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

Councilmember Dorcey stated this project looks excellent for the industrial area and is excited for the employment opportunities it will bring. Councilmember Delgado stated this appears to be a good project for El Mirage. Councilmember Norton stated CarMax has a great reputation, and they are welcome in El Mirage. Councilmember Jones stated he is excited about this project. Vice Mayor Shapera supports this project.

Councilmember Dorcey moved to approve a conditional use permit for an accessory use of a wholesale auction business, a vehicle reconditioning service building use and private fuel tank located at 13500 W. Olive Avenue, as presented; seconded by Councilmember Delgado.

Vote: 6 - 0 Passed - Unanimously

4. Consideration and action to approve Resolution R23-02-02, including the attached Exhibit "A" enacting and adopting a supplement (S-13 - 2022) to the Code of Ordinances through December 2022. (City Clerk)

Councilmember Dorcey moved to approve Resolution R23-02-02, including the attached Exhibit "A" enacting and adopting a supplement (S13 - 2022) to the Code of Ordinances, as presented; seconded by Councilmember Delgado.

Vote: 6 - 0 Passed - Unanimously

5. Consideration and action to approve Ordinance O23-02-02 enacting and adopting a supplement (S-13 2022) to the City of El Mirage Code of Ordinances. (City Clerk)

Councilmember Dorcey moved to approve Ordinance O23-02-02 enacting and adopting a supplement (S13 - 2022) to the Code of Ordinances, as presented; seconded by Councilmember Delgado.

Vote: 6 - 0 Passed - Unanimously

6. Consideration and action to adopt a notice of intent to increase water or wastewater rates or rate components, fees or service charges and set the public hearing date for May 2, 2023, pursuant to A.R.S. Section § 9-511.01. (Administration)

Fiscal Services Administrator Macy Walker stated this is only a notice of intent and the public hearing would be held on May 2, 2023.

Councilmember Dorcey moved to approve a notice of intent to increase water or wastewater rates or rate components, fees or service charges and set the public hearing date for May 2, 2023, pursuant to A.R.S. § 9-511.01, as presented; seconded by Councilmember Norton.

Vote: 6 - 0 Passed - Unanimously

7. Consideration and action to adopt a notice of intent to change certain fees which could include adding, deleting, increasing or decreasing fees not sooner than 60 days from the date of posting the notice pursuant to A.R.S. Section § 9-499.15. (Administration)

Councilmember Dorcey moved to approve a notice of intent to change certain fees which could include adding, deleting, increasing or decreasing fees not sooner than 60 days from the date of posting the notice pursuant to A.R.S. Section § 9-499.15, as presented; seconded by Councilmember Delgado.

Vote: 6 - 0 Passed - Unanimously

8. Consideration and action to request, and accept if awarded, an Arizona Sports & Tourism Authority (AZSTA) FY24 Youth & Amateur Sports Biennial Grant in an amount of approximately \$250,000 for lights at Gentry Park and authorize the Finance department to make the necessary budget adjustments. (Community Services/Public Works)

Ms. Walker stated this item was originally presented as fully grant funded, and it is actually including a partial match by the City. Community Services Manager Dr. Autumn Grooms provided background information on the grant and explained El Mirage would only be matching approximately \$150,000. Public Works Director Nick Russo presented information detailing the estimated expenditure comparison if the grant was not accepted. Vice Mayor Shapera stated he is not comfortable spending that amount of money on lighting for the park and asked if the money could be used elsewhere. Dr. Grooms stated the grant is to be used for youth activity in the City. Vice Mayor Shapera stated he does not think this item is needed at this time. Councilmember Norton asked if there was a diagram available of where the lights would be located and Mr. Russo stated not at this time. Information Technology Director Tom Bacome displayed a map of the park and Mr. Russo outlined where the lights would be installed. Councilmember Jones stated the savings achieved by updating the lighting would be beneficial and asked if the \$150,000 was already budgeted. Ms. Walker stated the cost has not been budgeted yet. Councilmember Dorcey asked if the costs presented were definite and Mr. Russo stated no, they are only estimates.

Councilmember Dorcey moved to accept, if awarded, an Arizona Sports & Tourism Authority (AZSTA) FY24 Youth & Amateur Sports Biennial Grant in an amount of approximately \$250,000 for lights at Bill Gentry Park and authorize the Finance department to make the necessary budget adjustments, as presented; seconded by Councilmember Norton.

Vote: 6 - 0 Passed - Unanimously

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 stated Public Safety Day is Saturday, February 25, 2023, at Gateway Park and a contingency plan will be sent to everyone in the event the weather becomes an issue. Ms. Dyches also reminded Council of the bond work session on Monday, March 6, 2023, at 11:30 am.

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 Norton thanked Intergovernmental Affairs Deputy Director Amber Wakeman and Marketing/Communications Coordinator Kari Sliva for producing reference cards for emergency responders to give to crisis victims. Councilmember Jones thanked Councilmember Delgado and staff for the hard work in acquiring grants to pay for the new fire truck. Councilmember Shapera thanked the Police Department for their work regarding weapons and drugs in the City and asked if the Grand Avenue median could be cleaned by City staff. Ms. Dyches stated she would find out and let him know. Councilmember Shapera asked if the cameras have been installed at the library yet and Ms. Dyches stated she would look into it for him.

Vice Mayor Shapera stated the Arizona Public Safety Personnel Retirement System (PSPRS) is looking for an El Mirage resident to volunteer and the Planning & Zoning commission is also looking for three volunteers. Vice Mayor Shapera asked City Attorney Justin Pierce if it were possible to return to the Call to the Public for the resident who missed the original call. Mr. Pierce stated it would be fine to go back to it so the resident could speak. Vice Mayor Shapera asked resident Scottie Gentry to go ahead with her comments.

Resident Scottie Gentry stated she has emailed Mayor and Council regarding the Bill Gentry Park changes and had not heard back from a few. Ms. Gentry stated she is looking to keep Bill Gentry Park the same as it has been for years and does not want the baseball field moved or removed. Ms. Gentry stated the plans for Bill Gentry Park should be posted online for everyone to see and Council should be asking residents what they would like to see in the park. Ms. Gentry also asked Council to respond to emails from residents. Councilmember Dorsey stated she received the email from Ms. Gentry and it did not raise any questions that required a response. Councilmember Winston stated she also did not respond as there was no question in the email from Ms. Gentry.

8. ADJOURNMENT - MEETING ADJOURNED AT 7:22 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 Wednesday, February 22, 2023, and a quorum was present.


Sharon Antes, City Clerk