

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, APRIL 18, 2023**

Minutes

1. ROLL CALL

Present: Mayor Alexis Hermosillo; Councilmember Roy Delgado; Vice Mayor Monica Dorcey;
Councilmember Bob Jones; 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. 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.

Resident Scottie Gentry requested information regarding Resolution R23-04-06 and asked what the \$93 million dollars represented. Ms. Gentry stated the last bond was for the second fire station that was built next to the old station and a new court is not needed. She stated the residents do not want to pay more taxes.

Resident Cindy Olivares stated she is against this bond and it is not the right time to ask residents to pay more taxes. She stated she is not saying new facilities are not needed, just that now is not a good time. Ms. Olivares asked Council to determine which is more important and proceed one at a time or move this bond to the next election.

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 Work Session and the Regular Council meeting held Tuesday, April 4, 2023. (City Clerk)

2. Consideration and action to award a contract to DBA Construction using the City Contract PW19-JOC01 to install the speed cushions on 127th Avenue between Peoria Avenue and Varney Road in the amount of \$56,791, including a 10% contingency. (Development Services)
3. Consideration and action to use the City of Scottsdale's JOC No. 2019-194-COS with AJP Electric, Inc. for the purpose of installing a streetlight and associated conduit for the amount of \$16,126, including a 10% contingency and authorize the Finance Department to make any necessary transfers. (Development Services)
4. Consideration and action to approve an amendment to an Intergovernmental Agreement (IGA) year 1 of a 3-year automatically renewing contract, for Animal Control services between the City of El Mirage and the City of Surprise at a cost not to exceed \$117,500.00 (\$117,002.00 plus a contingency of \$498.00). (Police).
5. Consideration and action to approve an amendment to an Intergovernmental Agreement (IGA) for police dispatch services between the City of El Mirage and the City of Tolleson at a cost not to exceed \$1,176,500 (\$1,176,082.46 plus a contingency of \$417.54) (Police).
6. Consideration and action to approve the purchase of a replacement network video recording solution from Corporate Technology Solutions, through cooperative use of the State of Arizona Contract CTR056380, for an amount not to exceed \$29,986.79 and authorize Finance to make any necessary transfers. (Information Technology, Public Works)

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

Vote: 7 - 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 to amend a previously approved Master Sign Program application to place trailers for signage at the southwest corner of El Mirage Road and Olive Avenue, and along the Northern Parkway frontage road on the LogistiCenter at Copperwing properties submitted by Dermody Properties. (Development Services - Planning and Zoning)

Mayor Hermosillo opened the Public Hearing.

Senior Planner Jose Macias provided information on the requested amendment and introduced the applicant, Pat Gallagher, Regional Partner with Dermody Properties.

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

Vice Mayor Shapera moved to approve a conditional use permit application to amend a previously approved Master Sign Program submitted by Dermody Properties; seconded by Councilmember Dorcey.

Vote: 7 - 0 Passed - Unanimously

2. Consideration and action on a site plan amendment zoning application for a fast-food retail commercial use located at the southeast corner of El Mirage Road and Thunderbird Road submitted by KGR Group LLC. (Development Services - Planning and Zoning)

Mr. Macias provided information on the site plan amendment and introduced applicant Keith Gallagher, Partner with KGR Group LLC. **Vice Mayor Shapera** asked if both parcels will share a driveway onto Thunderbird Road and Mr. Macias stated there will be two separate driveways onto Thunderbird Road. **Councilmember Winston** asked why the building placement was changed and Mr. Gallagher stated the move was for marketing purposes and to reduce the traffic impact on neighboring streets.

Vice Mayor Shapera moved to approve a site plan amendment zoning application for a fast-food retail commercial use submitted by KGR Group LLC; seconded by Councilmember Dorcey.

Vote: 7 - 0 Passed - Unanimously

3. A Public Hearing, closure of Public Hearing followed by consideration and action to approve Resolution R23-04-03 to re-zone 35.91 acres of land from Natural Reserve (NR) to Employment/Industry (E/I) for an Outdoor and Self-storage Use located 0.2 miles east of the intersection of Cactus Rd and Main St, El Mirage, Arizona 85335, and declaring the Resolution and attached Exhibit "A" as a public record. (Development Services - Planning & Zoning)

Mayor Hermosillo opened the Public Hearing.

Mr. Macias presented information on the re-zoning resolution and introduced applicant Alex Hayes with Withey Morris, PLC.

Councilmember Delgado asked what the buffer will be between the homes and the business and Mr. Macias stated 65 feet.

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

Vice Mayor Shapera moved to approve Resolution R23-04-03 to re-zone 35.91 acres of land from Natural Reserve (NR) to Employment/Industry (E/I) for an Outdoor and Self-storage Use located 0.2 miles east of the intersection of Cactus Road and Main Street and declaring the Resolution and attached Exhibit A as a public record; seconded by Councilmember Dorcey.

Vote: 7 - 0 Passed - Unanimously

4. Consideration and action to approve Ordinance O23-04-05 to re-zone 35.91 acres of land from Natural Reserve (NR) to Employment / Industry (E/I) located 0.2 miles east of the intersection of Cactus Rd and Main St, El Mirage, Arizona 85335, and declaring a public record by reference in Resolution R23-04-03, including Exhibit A. (Development Services - Planning and Zoning)

Mr. Macias explained the Ordinance O23-04-05 process related to approval of R23-04-03.

Vice Mayor Shapera moved to approve Ordinance O23-04-05 to re-zone 35.91 acres of land and declaring a public record by referencing Resolution R23-04-03; seconded by Councilmember Dorcey.

Vote: 7 - 0 Passed - Unanimously

5. Consideration and action on a site plan zoning application for an RV, boat, and self-storage operation located southeast of the intersection of Cactus Road and Main Street submitted by Withey Morris, PLC. (Development Services - Planning and Zoning)

Mr. Macias provided information on the zoning application. **Vice Mayor Shapera** asked for clarification on the requested amended motion and City Attorney Justin Pierce explained the revised motion approves the site plan subject to a later approval of a development agreement. **Mayor Hermosillo** asked Mr. Hayes from Withey Morris PLC to explain the revision and Mr. Hayes stated there are a few more items being sorted out for the development agreement and the revised motion is to allow for more time. **Councilmember Norton** asked how many acres the proposed park would be and Mr. Macias stated roughly two acres. She then asked if there would be grass or artificial turf and Mr. Macias stated that has not yet been determined. She also asked if there would be playground equipment installed and Mr. Macias stated only benches and a ramada are planned at this time. She further asked if a crosswalk would be installed on Cactus Road and Assistant City Engineer Bryce Christo answered yes. **Councilmember Jones** stated some of the bushes should be replaced by boulders to conserve water usage. **Vice Mayor Shapera** stated he would like to add a few stipulations to the site plan to include no storage of hazardous materials, no sub-leases, no commercial vehicle storage, no overnight stays and he also suggested adding solar panels to the roofs and a superior security system being utilized. Mr. Hayes stated he agrees with the suggested stipulations but the uniformity clause prevents use limits and City Attorney Pierce agreed; he added that the stipulations can be worked out and finalized at a later date.

Vice Mayor Shapera moved to approve a site plan zoning application for an RV, boat and self-storage operation pending completion of a development agreement and with two additional stipulations that hazardous materials not be stored at the location and overnight stays will not be permitted, as submitted by Withey Morris PLC; seconded by Councilmember Norton.

Vote: 7 - 0 Passed - Unanimously

6. A public hearing, closure of public hearing followed by a discussion and action on a conditional use permit zoning application for a community park in an Employment/Industry zone located at the southeast corner of Main Street and Cortez Street submitted by Withey Morris, LLC. (Development Services - Planning and Zoning)

Mayor Hermosillo opened the public Hearing.

Mr. Macias provided information on the application. **Councilmember Jones** stated there should be more than just benches at the location and **Vice Mayor Shapera** stated it is private property and the City has no jurisdiction to tell the owner what to put in the park. **Councilmember Dorcey** stated she was under the impression that this would be a dog park and Mr. Macias explained that was the original plan, but after speaking with residents, the developer changed it to a regular park. **Councilmember Winston** asked if the City had the ability to prevent homeless encampments in the area and Mr. Macias stated the separating wall and lighting will be a strong deterrent and should minimize transient activities. **Councilmember Norton** asked if there would be public access to the storage area from the park and Mr. Hayes answered there would not be as it is for emergency access only by authorized personnel.

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

Vice Mayor Shapera moved to approve a conditional use permit zoning application for a community park submitted by Withey Morris, PLC; seconded by Councilmember Norton.

Vote: 7 - 0 Passed - Unanimously

7. Consideration and action to approve Resolution R23-04-04 amending Title XV of the El Mirage City Code, including revising Section 151.001 and adding Sections 151.141 through 151.145 regarding the requirements for high-voltage electric transmission lines. (Development Services/Engineering)

Mr. Christo provided background information on the amendments. **Vice Mayor Shapera** asked if the poles would be painted and Mr. Christo stated yes. **Vice Mayor Shapera** stated he has never heard of poles being painted and will not support this item. **Councilmember Norton** asked how high the towers will be and Mr. Christo stated approximately 150 feet. **Councilmember Norton** asked if someone has checked to make sure the setbacks conform to the standards and Mr. Christo stated they are only minimums and can be changed. **Councilmember Jones** stated the City needs to clarify regulations for items like this.

Mayor Hermosillo moved to approve Resolution R23-04-04 amending Title XV of the El Mirage City Code; seconded by Councilmember Dorcey.

AYES: Mayor Hermosillo, Councilmembers Delgado, Dorcey, Jones, Norton, and Winston

NAY: Councilmember Shapera

8. Consideration and action to approve Ordinance O23-04-04 amending Title XV of the El Mirage City Code, including revising Section 151.001 and adding Sections 151.141 through 151.145 regarding the requirements for high-voltage electric transmission lines. (Development Services/Engineering)

City Engineer Jorge Gastelum explained the Ordinance O23-04-04. **Councilmember Norton** asked if the transmission lines will be installed whether the City likes it or not and Mr. Gastelum stated yes, the Arizona Corporation Commission has already approved this item.

Councilmember Dorcey moved to approve Ordinance O23-04-04 amending Title XV of the El Mirage City Code; seconded by Councilmember Norton.

AYES: Mayor Hermosillo, Councilmembers Delgado, Dorcey, Jones, Norton, and Winston

NAY: Councilmember Shapera

9. Consideration and action to approve Resolution R23-04-06 ordering and calling a Special Election to be held on November 7, 2023, in and for the City of El Mirage, Arizona, to submit to the qualified electors thereof one question with respect to selling and issuing bonds payable from secondary (Ad Valorem) property taxes. (City Council)

Councilmember Norton stated there have been numerous studies completed regarding City facilities and the court needs have already been addressed by the City and not been accepted by the Court. **Councilmember Norton** stated she does not support adding a tax burden to the residents and stated impact fees should be assessed just as other cities have done. **Councilmember Winston** stated she understands the passion of her colleagues on this item and she has spoken with residents who are in favor of the bond election. **Councilmember Dorcey** stated Council was elected to look out for the future of residents and should plan accordingly.

Vice Mayor Shapera moved to approve Resolution R23-04-06 ordering and calling a Special Election to be held on November 7, 2023, to submit to qualified electors thereof one question with respect to selling and issuing bonds payable from secondary property taxes; seconded by Councilmember Dorcey.

AYES: Mayor Hermosillo, Councilmembers Delgado, Dorcey, Jones, Winston, and Shapera

NAY: Councilmember Norton

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 the blood drive will be held in Council Chambers on April 19, 2023, from 9:30 a.m. to 1:30 p.m. and the Copperwing groundbreaking ceremony will also be held April 19, 2023 at 10:30 a.m. next to the Police Station.

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.

Vice Mayor Shapera asked if progress had been made on the alarm ordinance and City Manager Dyches advised she will follow-up on the item and let him know the status at a later date. Vice Mayor Shapera also asked for another training session for the Planning and Zoning Commissioners to be held this summer and he asked if staff could take care of the landscaping issues on Grand Avenue rather than ADOT. Councilmember Delgado stated the CDAC vote went well and he will advise of the outcome at a later meeting. Mayor Hermosillo wished Councilmember Delgado a happy birthday.

8. EXECUTIVE SESSION

- 1. Consideration and action to adjourn to Executive Session pursuant to Arizona Revised Statutes (A.R.S.) § 38-431.03.A.4. for discussion and consultation from the City Attorney regarding potential litigation. (Administration)

Vice Mayor Shapera moved to adjourn to Executive Session pursuant to State law for consultation with the City Attorney on potential litigation; seconded by Councilmember Dorcey.

Vote: 7 - 0 Passed - Unanimously

9. ADJOURNMENT - MEETING ADJOURNED AT 8:30 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, April 18, 2023, and a quorum was present.



Sharon Antes, City Clerk