

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, OCTOBER 3, 2023**

Minutes

1. ROLL CALL

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

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

Pledge of Allegiance
Moment of Silence

Introduction of new City employees

Fire Chief Michael Long introduced the new Fire Marshall Jason Napier.

3. PROCLAMATION

1. Proclamation to recognize Domestic Violence Awareness Month October 2023. (Police)

Police Chief Paul Marzocca provided background information on Domestic Violence Awareness Month. **Councilmember Norton**, who also serves as Chair to the MAG Regional Domestic Violence Council, provided information regarding domestic violence.

Mayor Hermosillo proclaimed October 2023 as Domestic Violence Awareness Month.

2. To declare October 8-16, 2023 as Fire Prevention Week in the City of El Mirage. (Fire)

Fire Marshall Napier provided background information on Fire Prevention Week and introduced the Fire Department mascot Sparky.

Mayor Hermosillo declared October 8-16, 2023, as Fire Prevention Week in the City of El Mirage.

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.

Resident Scottie Gentry stated not everybody that was at the event replied to the email from Clarissa and when she approached the City Manager to discuss the email she told her she was not working. Ms. Gentry stated she asked at the last Council meeting for the Court quarterly report, which she still has not received and she wants a copy. Ms. Gentry stated 56% of court cases are conducted via zoom or a phone call and a new courthouse is not needed. Ms. Gentry also stated she does not understand why the residents need to pay for the bond.

Resident Kenneth O'Rourke stated he moved to El Mirage because it was a small town and not overrun with industry. Mr. O'Rourke asked what the bond will do for the infrastructure or the needs of the community. Mr. O'Rourke stated he moved here with his wife to enjoy the peace and quiet of a small town.

Resident Stephen Gilliam stated the rental tax will go away in January of 2024 and he would like to know what Council will do about the lost income. Mr. Gilliam also stated he obtained a free publication in the City of Surprise and did not understand why there were no ads or articles about El Mirage. Mr. Gilliam would like to see El Mirage advertised in more publications.

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, September 19, 2023. (City Clerk)
2. Consideration and action to authorize the purchase of a 2023 Ford F-150 Supercrew 4X4 for the Police Department vehicle replacement program from Peoria Ford at a cost not to exceed \$59,119.49 under Mohave Cooperative contract number 21D-PFVT-0703. (Police)
3. Consideration and action to authorize the purchase of a 2023 Ford F-150 4X4 Truck for the Police School Resource Officer from Peoria Ford at a cost not to exceed \$59,119.49 under Mohave Cooperative contract number 21D-PFVT-0703. (Police)
4. Consideration and action to authorize the purchase of a 2023 Ford F-150 truck from Rodeo Ford for the Police Department vehicle replacement program at a cost of \$49,373.00 with estimated taxes of \$4,591.68 for a total cost not to exceed \$53,964.68 under activity code 62040, GL code 111-5-2111-650. (Police)
5. Consideration and action to enter into an Intergovernmental Agreement (IGA) with Maricopa County through the Maricopa County Justice Courts (MCJC) for operation and shared use of the Maricopa County Justice Court Video Appearance Center (VAC) and authorize payments to MCJC Administration at an annual amount not to exceed \$34,000. (City Court)

This item was pulled from Consent for discussion.

Vice Mayor Shapera moved to approve Consent Agenda items 1-4; seconded by Councilmember Dorcey.

Vote: 7 - 0 Passed - Unanimously

6. REGULAR AGENDA

6.1.a Consideration and action to enter into an Intergovernmental Agreement (IGA) with Maricopa County through the Maricopa County Justice Courts (MCJC) for operation and shared use of the Maricopa County Justice Court Video Appearance Center (VAC) and authorize payments to MCJC Administration at an annual amount not to exceed \$34,000. (City Court)

Councilmember Norton asked Judge Parascondola why there is a need for an IGA now and Judge Parascondola stated an IGA was not previously required and there were no fees for this service; now there will be fees based on expenses incurred in the prior fiscal year. Judge Parascondola stated the fees charged most likely will be less than the requested \$34,000. Deputy City Manager Robert Nilles explained the dollar amount is only a placeholder and is based on estimated charges. **Vice Mayor Shapera** stated the dollar amount is unknown at this time and may be less than \$34,000. Mr. Nilles stated any amount unspent will be put towards other budget items. Mr. Nilles stated once a budget is approved by the Council there is a process to follow if any changes are needed.

Vice Mayor Shapera moved to enter into an Intergovernmental Agreement (IGA) with Maricopa County through the Maricopa County Justice Courts (MCJC) for an operation and shared use of the Maricopa County Justice Court Video Appearance Center (VAC) and authorize payments to MCJC Administration at an annual amount not to exceed \$34,000; seconded by Councilmember Norton.

Vote: 7 - 0 Passed Unanimously

1. Consideration and action on a site plan zoning application for a proposed industrial use for a heavy equipment rental operation located at 12398 W Butler Dr, El Mirage, AZ 85335 submitted by Sunbelt Rentals. (Development Services)

Senior Planner Jose Macias provided background information on the site plan zoning application and introduced Architect John Meisner. **Vice Mayor Shapera** stated the property has been kept very neat. **Councilmember Norton** asked if an additional building would be built on the property and Mr. Meisner answered yes. **Councilmember Delgado** stated he is pleased to see what they are planning to do with the property.

Vice Mayor Shapera moved to approve a site plan zoning application for a proposed industrial use for a heavy equipment rental operation located at 12398 W. Butler Drive submitted by Sunbelt Rentals; seconded by Councilmember Dorcey.

Vote: 7 - 0 Passed - Unanimously

2. A Public Hearing, closure of Public Hearing followed by consideration and action to approve Resolution R23-10-27 to re-zone 5.02 acres of land from Commerce Park (CP) to Employment/ Industry (E/I) for an Oil and Gas Refinery Use located at Olive Avenue and 121st Avenue, 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 resolution to re-zone the property next to the refinery business and introduced applicant's Architect John Ulibarri and Senior Plant Manager Michael Brandon. Resident Stephen Gilliam asked if the Fire Marshall was working with the company to ensure safety measures are in place and he also asked if the police department was going to ensure the roads are not damaged by the heavy equipment traveling on them. **Councilmember Delgado** asked what kind of fuel is processed at the plant and if there are fire safety measures in place. Mr. Brandon explained the process of separating the fuel at the plant and that the plant has been in operation for twenty-six years with no safety incidents occurring during that time. Mr. Brandon

stated they have multiple fire suppression systems in place. **Councilmember Jones** asked how much fuel was processed each month and what percentage of increase would this re-zoning permit? Mr. Ulibarri stated the expansion would allow for double the fuel processing capacity and the additional parking would be for empty tankers only. **Councilmember Jones** asked what kind of impact there would be on traffic and how many trucks per day would visit the site. Mr. Brandon stated traffic would not increase and there would be approximately thirty-two trucks per day.

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

Councilmember Dorcey stated she is glad to see them able to expand the operation. **Vice Mayor Shapera** stated Olive Avenue is a Maricopa County roadway and trucks are permitted and inspected to avoid damage to roadways. **Councilmember Norton** stated the business plays an important role in the Valley and she is glad they are able to expand.

Vice Mayor Shapera moved to approve Resolution R23-10-27 to re-zone 5.02 acres of land from Commerce Park to Employment/Industry for an Oil and Gas Refinery Use and declaring the Resolution and attached Exhibit "A" as a public record; seconded by Councilmember Delgado.

Vote: 7 - 0 Passed - Unanimously

3. Consideration and action to approve Ordinance O23-10-11 to re-zone 5.02 acres of land from Commerce Park (CP) to Employment / Industry (E/I) located on Olive Avenue and 121st Avenue, El Mirage, Arizona 85335, and declaring a public record by reference in Resolution R23-10-27, including Exhibit A. (Development Services - Planning and Zoning)

There were no comments on this item.

Vice Mayor Shapera moved to approve Ordinance O23-10-11 to re-zone 5.02 acres of land from Commerce Park to Employment/Industry and declaring a public record by reference in Resolution R23-10-27, including Exhibit "A"; seconded by Councilmember Norton.

Vote: 7 - 0 Passed - Unanimously

4. Consideration and action to authorize the purchase of three (3) Ford F-150 Police Responder vehicles from Peoria Ford in an amount not to exceed \$180,000 (\$60,000 per vehicle) and authorize the Finance Department to transfer budget from Contingency to the Police Department budget.

Deputy City Manager Robert Nilles explained the reason for this request is to avoid delays in acquiring police vehicles in the next fiscal year. **Councilmember Dorcey** stated this would put the City ahead of the curve in acquiring these vehicles. **Vice Mayor Shapera** stated he is glad this is happening in this way. **Councilmember Jones** asked if the vehicles would be for fiscal year 24-25 and Mr. Nilles replied yes and the City would only pay for the vehicles once they are received.

Vice Mayor Shapera moved to authorize the purchase of three (3) Ford F-150 Police Responder vehicles from Peoria Ford in an amount not to exceed \$180,000 and authorize the Finance Department to transfer budget from Contingency to Police Department budget as presented; seconded by Councilmember Dorcey.

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 had no comments.

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 Shapera stated the Fire Department has a very good fire safety program in place and congratulated them on their good work. **Councilmember Delgado** stated he attended the ribbon cutting for the new Hohokam multi-use trail, the Rally's ribbon cutting, the topping off ceremony at the new casino in the west valley and the Chamber of Commerce Gala. **Councilmember Norton** stated she spoke at the MAG Regional Council on Domestic Violence and she attended and spoke at the candlelight vigil for Domestic Violence in Chandler. **Councilmember Winston** recognized three Public Works employees, Tijuan Dial, Elias Navarrette and Juan Alvarez, for assisting a vendor who needed assistance in putting away their items after the event last week. She stated staff are amazing when working at City events.

9. **ADJOURNMENT - MEETING ADJOURNED AT 7:24 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, October 3, 2023, and a quorum was present.



Sharon Antes, City Clerk