

# 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 7, 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

Assistant Police Chief Doug Hildebrandt introduced Police Officer Adrian Rodriguez, Police Officer Lance Basden, Victim Advocate Lisa Corona and Police Records Technician, Senior, Brittnee Lopez.

**3. PROCLAMATION**

1. Proclamation to recognize November 1, 2023 as Extra Mile Day.

Marketing and Communications Coordinator Kari Sliva provided background information on Extra Mile Day and introduced Streets Maintenance Technician Tijuan "Ty" Dial and Building Inspector Phillip Licudine as the newest nominees.

Mayor Hermosillo proclaimed November 1, 2023 as Extra Mile Day and encouraged everyone to take time to go the extra mile and also acknowledge those who do.

**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 Steve Gilliam stated the wash that runs from Dysart Road south to Acoma was promised to be a park years ago and he would like staff to initiate purchase of the land in order to clean it up. Mr. Gilliam also stated the land by Thompson Ranch Parkway, east of Parks and Sons also needs to be cleaned up. Mr. Gilliam then asked what is being done about the revenue that will be lost on

rental taxes when the new law takes effect in 2025.

## 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, October 17, 2023. (City Clerk)
2. Consideration and action to approve a final plat to accept and record lot splits of land and public utility easements for a 7.0-acre development located at 12000 N El Mirage Road submitted by EYS West Valley Holdings. (Development Services - Planning and Zoning)
3. Consideration and action to approve the purchase of four (4) replacement servers in the amount of not to exceed \$50,000 (\$49,710.01 plus contingency of \$289.99) from SHI utilizing Omnia Partners cooperative contract 2018011-02. (Information Technology)
4. Consideration and action to approve purchase of a replacement backup system for an amount not to exceed \$45,000 (\$44,939.31 plus contingency of \$60.69) from SHI utilizing Omnia Partners cooperative contract 2018011-02. (Information Technology)
5. Consideration and action to approve purchase of a Security Information and Event Management (SIEM) solution for an amount not to exceed \$41,000 (\$39,152.86 plus a contingency of \$1,847.14), from SHI utilizing Omnia Partners cooperative contract 2018011-02. (Information Technology)
6. Consideration and action to approve a purchase of replacement computers and monitors for an amount not to exceed \$41,000 (\$40,679.39 plus a contingency of \$321.61), from Dell Computer utilizing Arizona State Contract ADSPO16-098163. (Information Technology)
7. Consideration and action to approve the purchase of four (4) radios and equipment for four (4) Police Vehicles from Motorola Solutions for an amount not to exceed \$42,163.98 (\$41,113.98 plus a trade-in of \$1,050.00) and authorize the Finance Department to make necessary transfers. (Police).
8. Consideration and action to approve the purchase of goods and services from Felix Construction for rehabilitation of the Cottonwood Well Site as part of CIP 62065 in an amount not to exceed \$398,024.91 and authorize finance to make any necessary transfers. (Public Works)
9. Consideration and action to authorize the City Manager to enter into a contract with Empire Pump Corporation in an amount not to exceed \$98,688.60 for the replacement of capital equipment at the City's 127th Lane well site and authorize the finance department to make any necessary transfers. (Public Works)
10. Consideration and action to authorize the City Manager to enter into a contract with Purolite in an amount not to exceed \$99,884.90 for the replacement of water treatment media at the City's Dietz Crane well site and authorize the finance department to make any necessary transfers. (Public Works)

11. Consideration and action to purchase goods and services from Reading Truck to install a service body on water vehicle #4556 as part of CIP 62068 in an amount not to exceed \$9,921.58 and authorize the finance department to make any necessary transfers. (Public Works)
12. Consideration and action to approve a contract with Keller Electric to repair and replace, as needed, two variable speed drives (VFD) at the 127th Lane well site for an amount not to exceed \$40,641.01 and authorize finance to make any transfers. (Public Works)
13. Consideration and action to approve a contract with M.R. Tanner for FY24 pavement maintenance work for an amount of \$770,586.80 and authorize finance to make any necessary transfers. (Public Works)
14. Consideration and action to approve contract(s) PW23-RFP-GIS01 with selected vendors. (Public Works)

Vice Mayor Shapera moved to approve Consent Agenda items 1-14 as presented; seconded by Councilmember Dorcey.

**Vote:** 7 - 0 Passed - Unanimously

## 6. **REGULAR AGENDA**

1. Public hearing, closure of public hearing, followed by consideration and action to approve Resolution R23-11-31 authorizing the City to submit a grant application to Maricopa County Community Development Division (MCCD) for FY2024-25 Community Development Block Grant (CDBG) funds and execute subsequent award agreements, for an outdoor learning pavilion at the El Mirage Library and authorize Finance to make necessary budget transfers. (Grants/Development Services)

Mayor Hermosillo opened the Public Hearing.

Program Coordinator Martina Longoria presented information on the grant application and how the funds would be used if awarded.

Resident Steve Gilliam stated \$500,000 for an outside education opportunity was too much money and the Fire Department would make better use of the area. **Councilmember Norton** asked if there were renderings available for the Council to see what the area would look like and City Engineer Jorge Gastelum stated renderings were not yet available. **Councilmember Winston** stated tonight's discussion is only to approve applying for the grant and Mr. Gastelum confirmed. **Mayor Hermosillo** clarified that the grant is free money to the City and Mr. Gastelum also confirmed. **Councilmember Delgado** stated the City would only be submitting the application at this time and this project best met the Counties criteria for the space to educate children. **Councilmember Norton** stated she is aware grants are free and is concerned there are no renderings available to look at now.

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

**Vice Mayor Shapera** asked Mr. Gastelum what would be the City's match for grant and Mr. Gastelum answered \$100,000 had been budgeted to meet grant requirements. **Councilmember Dorcey** stated she is in favor of this item and believes it is a worthwhile project. **Mayor Hermosillo** and **Councilmember Jones** agreed with **Councilmember Dorcey**. **Councilmember Norton** asked how the Tohono O'odham Nation was involved with this and Mr. Gastelum stated

this project was applied for five years ago to the Tohono O'odham Nation but not awarded to the City. **Councilmember Norton** asked what other projects were considered for this grant and City Manager Dyches stated sewer and water projects were considered as well.

Vice Mayor Shapera moved to approve Resolution R23-11-31 authorizing the City to submit a grant application to Maricopa County Community Development Division (MCCD) for FY2024-2025 Community Development Block Grant (CDBG) funds and execute subsequent award agreements, for an outdoor learning pavilion at the El Mirage Library and authorize Finance to make necessary budget transfers; seconded by Councilmember Dorcey.

**Vote:** 7 - 0 Passed - Unanimously

2. Consideration and action to approve Resolution R23-11-32, including the attached Exhibit "A," amending Title IX, Section § 92.29 of the code of the City of El Mirage and declaring an emergency. (Police Department)

Lieutenant Timothy Mason of the Police Department provided background information on the proposed amendments. **Councilmember Norton** stated she understands the primary reason for this item and the only problem is the 9th Circuit Court ruled that municipalities need to provide shelter first. **Councilmember Norton** stated you can not criminalize homelessness and she thinks this is not an emergency in El Mirage. Lieutenant Mason stated he understands her concerns and responded that it is not just one person's actions that has created the need for this, the Police Department receives numerous calls regarding encampments and they provide resources with every interaction they have. City Attorney Justin Pierce clarified the ruling of the 9th Circuit Court and stated it only requires space available, not necessarily in that jurisdiction. **Mayor Hermosillo** acknowledged the concerns being stated and pointed out that the loitering taking place in the city is leading to drug activity. Assistant Chief Hildebrandt stated the Police Department has no interest in arresting their way out of the situation and they receive numerous calls regarding encampments. **Councilmember Dorcey** stated this is a simple decision and they have an obligation to residents to prevent this from happening. **Councilmember Delgado** stated he has accompanied officers when entering encampments and acknowledged services are being offered with each interaction. **Councilmember Jones** stated he agrees that the residents have a right to the support of the Police Department and he supports this item 100%. **Councilmember Winston** stated this is an unfortunate situation and there is no real answer. She is concerned for the safety of the residents and the Council should provide the Police Department with appropriate tools to provide for that safety. **Councilmember Norton** stated this will be a continuing problem even with this resolution. **Councilmember Dorcey** stated no one thinks this is a magical solution; it is meant to deal with the encampments.

Vice Mayor Shapera moved to approve Resolution R23-11-32, including the attached Exhibit "A", amending Title IX, Section § 92.29 of the code of the City of El Mirage and declaring an emergency; seconded by Councilmember Dorcey.

**Vote:** 6 - 1 Passed

NAY: Councilmember Anita Norton

3. Consideration and action to approve Ordinance O23-11-15 amending Title IX, Section § 92.29 of the code of the City of El Mirage and declaring an emergency. (Police Department)

Lieutenant Mason stated this would be an additional tool for the Police Department.

Vice Mayor Shapera moved to approve Ordinance O23-11-15 amending Title IX, section § 92.29 of the code of the City of El Mirage and declaring an emergency; seconded by Councilmember Dorcey.

**Vote:** 6 - 1 Passed

NAY: Councilmember Anita Norton

4. A Public Hearing, closure of Public Hearing followed by consideration and action to approve/deny Resolution R23-11-29 to amend the El Mirage Zoning Code Chapter Section §154.104 *OFF-STREET PARKING REQUIREMENTS, (C) Vehicle parking and storage in the Rural Area (RA) Zone*, and declaring the Resolution and attached Exhibit "A" as a public record. (Development Services - Planning & Zoning)

Mayor Hermosillo opened the Public Hearing.

Senior Planner Jose Macias provided information on the resolution.

Resident Richard Sias stated it is clear and evident there is no more regulation needed in the community. Richard stated they did not want an HOA neighborhood and there is no need for this resolution.

Resident Vanessa Martinez stated she lives with her parents and the idea of being penalized for not moving her car for five days is not necessary. She is a stay-at-home mom and sometimes does not move her car for more than five days. Ms. Martinez stated they chose to live in this area for a reason and this regulation is not needed.

Resident Steve Gilliam stated he does not live in the Ranchettes but he supports the Ranchettes owners on this item. Mr. Gilliam stated Code Enforcement can not keep up with the staff they have and Council should hire more staff instead of making more regulations.

Resident Josh Chace stated he is against this resolution and the Ranchette's have made it very clear they are against it also. These changes will take away personal liberties.

Resident Elizabeth Mumpower stated the residents have said no to this numerous times already. Ms. Mumpower stated there are codes in place already to deal with issues about renting spaces and that is how this should be handled.

Resident Art Mendivil stated he paid a lot of money for his large property so that he could do what he wanted on it. Mr. Mendivil asked Council to have Code Enforcement talk to the individuals creating a problem instead of adding another regulation.

Resident Chris Polk stated it is unfortunate that they have to come down to two different meetings to discuss this. Mr. Polk stated the Planning and Zoning Commission voted against this item and the 2020 survey showed the residents were against it also.

Resident Maria Molina stated she is a single mom who chose the property so that she could live on a ranch, not have an HOA and not live too close to neighbors. Ms. Molina asked the Council to please focus on more important things in the City and not this item.

Resident Jim Perry stated he is against this resolution and there is no clear definition of side yard which will create confusion. Mr. Perry asked that everyone work as a team to resolve the issue.

Resident Jean Bergen stated the Ranchettes residents are hard-working people who have great diversity. Ms. Bergen stated she moved here so she could have chickens and large trees on her lot.

Resident Jared Wires stated it is absurd to limit the recreational vehicle number to five. Mr. Wires stated if you raise livestock you definitely have more than five recreational vehicles. Mr. Wires stated there should be some sort of compromise for this situation.

Resident Sally Fosnight stated there are less than five properties causing this discussion.

Resident Abel Diaz stated he has lived in the Ranchettes for thirty-four years and they do not need rules preventing what people have on their property.

Resident Bridget Rogers stated the survey showed one person is calling in complaints and this does not make sense. Ms. Rogers stated the survey was a waste of time and she does not understand why this is considered necessary.

Resident Betty Harmless stated she drives six days a week nine months out of the year, but in the summer her car will sit for weeks at a time. Ms. Harmless stated this regulation would ruin her ability to do that.

Resident Doug Hood stated he is impressed and thankful to be able to talk about this item. Mr. Hood stated the Council could create a revised amendment that would better serve the residents.

Resident Debra Flowers stated she agrees with all of the comments made and the majority of the residents in the area are opposed to this. Ms. Flowers asked where the residents will be allowed to park if this item passes and expressed concern that street parking will cause issues for emergency vehicles.

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

Vice Mayor Shapera moved to deny Resolution R23-11-29 to amend the El Mirage Zoning Code § 154.104 Off-Street Parking Requirements; seconded by Councilmember Norton.

**Vote:** 7 - 0 Passed - Unanimously

5. Consideration and action to approve/deny Ordinance O23-11-14 to amend the El Mirage Zoning Code Chapter Section §154.104 *OFF-STREET PARKING REQUIREMENTS, (C) Vehicle parking and storage in the Rural Area (RA) Zone* and declaring a public record by reference in Resolution R23-11-29, including Exhibit A. (Development Services - Planning and Zoning)

Councilmember Winston stated she agrees with the vote taken and wanted to say if someone is running a business on their property they should fill out an application for a business license just like everyone else. Mayor Hermosillo stated she agrees with Councilmember Winston regarding the business license. Mayor Hermosillo stated the Ranchettes have unique characteristics and any issues taking place should be taken care of.

Vice Mayor Shapera moved to deny Ordinance O23-11-14 to amend the El Mirage Zoning Code Chapter Section § 154.104 Off-Street Parking Requirements; seconded by Councilmember Anita Norton.

**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 she had given each Councilmember a memorandum regarding local fiscal recovery ARPA funds that have been spent and this will be an item for discussion at a future meeting. Ms. Dyches reminded everyone of the Music In The Park Event/Tree Lighting Event on November 28, at 6:00 pm, the Winterfest Parade on December 8 at 6:00 pm, and a blood drive on November 16, from 9:30 am - 1:30 pm.

**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.

There were no comments.

**9. ADJOURNMENT - MEETING ADJOURNED AT 7:55 PM**

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Alexis A. Hermosillo, Mayor

ATTEST:

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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 7, 2023, and a quorum was present.

  
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Sharon Antes, City Clerk