

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 2, 2024**

Minutes

1. ROLL CALL

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

Police Chief Paul Marzocca introduced Police Officer Alabas Alhamdi and Police Officer Christopher George.

3. PRESENTATION

1. Presentation of Dysart Unified School District/El Mirage Essay Contest winners.

Deputy Director of Intergovernmental Affairs Amber Wakeman detailed the recent essay contest about El Mirage at the El Mirage Elementary Schools and Dysart High School. Ms. Wakeman introduced the winners in the elementary school 3rd-4th grade contest as: Third place, Noel Cervantes Landaverde, Second place, Carlie Scholl, and First place, Caleb Figueroa. Ms. Wakeman introduced the winners in the 5th-8th grade contest as: Third place, Daisha Jones, Second place, Adam Campbell, and First place, Alexa Cervantes. Ms. Wakeman introduced the winners in the 9th-12th grade contest as: Third place, Landon Navarro-Heaps, Second place, Caden Braun, and First place, Oscar Delgado. Pictures with the winners, Council and family were taken.

4. PROCLAMATION

1. Proclamation to proclaim April 2024 as Child Abuse Prevention month. (Administration)

Deputy Director of Intergovernmental Affairs Amber Wakeman provided background information on Child Abuse Prevention Month.

Mayor Herмосillo proclaimed April 2024 as Child Abuse Prevention Month.

2. Proclamation to proclaim April 2024 as Fair Housing Month. (Community Services)

Program Coordinator Martina Longoria provided background information on Fair Housing Month.

Mayor Hermosillo proclaimed April 2024 as Fair Housing Month.

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.

No comments were received.

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 Regular Council meeting held Tuesday, March 19, 2024. (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 an IGA with Maricopa County Human Services Department to increase affordable housing availability in the City of El Mirage in an amount not to exceed \$1,000,000. (Administration)
4. Consideration and action to authorize a sole source purchase of a Direct Recirculating Apparatus Firefighting Training & Sustainability (DRAFTS) Unit from Pump Pods USA for an amount not to exceed \$111,429.20. (Fire)
5. Consideration and action to request and accept funds, if awarded, for an FY 2025 Festival Grant from the Arizona Commission on the Arts for approximately \$5,000 to support an FY25 special event and authorize Finance to make necessary budget transfers. (Grants/Special Events)
6. Consideration and action to request and accept funds, if awarded, for FY2025 Court Security Improvements Grant from the Administrative Office of the Courts for an approximate amount of \$52,000 to enhance and increase security measures in the Court and authorize Finance to make necessary budget transfers. (Grants/City Court)
7. Consideration and action to approve R24-04-08 adopting the Memorandum of Understanding (MOU) between the City of El Mirage (COEM) and El Mirage Fire Fighters Association (EMFFA), Chapter of Northwest Firefighters Local 4361 for the period July 1, 2024 through June 30, 2026. (Administration)

Vice Mayor Shapera moved to approve Consent Agenda items 1-7 as presented; seconded by Councilmember Dorcey.

Vote: 7 - 0 Passed - Unanimously

7. **REGULAR AGENDA**

1. A public hearing, closure of public hearing followed by a discussion and action on a conditional use permit zoning application on a proposed smoke and vape shop located at 13011 W Greenway Rd, Suite 9, El Mirage Az 85335 submitted by Ryuji M Numata Jr. (Development Services - Planning and Zoning)

Mayor Hermosillo opened the Public Hearing.

Senior Planner Jose Macias provided background information on the conditional use permit zoning application. Applicant Ryuji Mumata Jr. stated he would be happy to answer any questions.

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

Vice Mayor Shapera stated he would like to see a trash bin in front of the business that is maintained by the business.

Vice Mayor Shapera moved to approve a conditional use permit zoning application on a proposed smoke and vape shop with the added stipulation of a trash bin in front of the business maintained by the business; seconded by Councilmember Dorcey.

Vote: 7 - 0 Passed - Unanimously

2. A public hearing, closure of public hearing followed by a discussion and action on a conditional use permit and site plan approval zoning application on a proposed fueling station located at 12900 W Thunderbird Rd, El Mirage, AZ 85335, submitted by Kimley-Horn. (Development Services - Planning & Zoning)

Mayor Hermosillo opened the Public Hearing.

Senior Planner Jose Macias provided information on the conditional use permit and site plan zoning application. **Vice Mayor Shapera** asked if there would be bollards in front of the propane tanks and Chief Long stated he would check the fire code to be sure. Kimley-Horn Civil Engineer Ryan Alvarez stated there would be bollards in front of the propane tanks, and they would be happy to increase the number of bollards if requested. **Councilmember Winston** asked if there would always be at least two employees on-site at all times and Mr. Alvarez stated there would be two cashiers at all times and a maintenance employee on-site at times as well.

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

Vice Mayor Shapera stated the presentation was well done, and the business will provide more fuel choices for residents. **Councilmember Delgado** stated this project had been a long time coming and is needed in El Mirage. **Councilmember Dorcey** stated this project makes good business sense for Walmart. **Councilmember Jones** stated he was concerned about the loss of the parking spaces, but after visiting the site determined there is plenty of room for this project. **Councilmember Norton** stated this would be a great addition to El Mirage for residents.

Vice Mayor Shapera moved to approve a conditional use permit and site plan approval zoning application on a proposed fueling location as presented; seconded by Councilmember Dorcey.

Vote: 7 - 0 Passed - Unanimously

3. A public hearing, closure of public hearing followed by a discussion and action on a conditional use permit zoning application for a Master Sign Program to allow freestanding signs to deviate from the current sign code located at 12239 W Thunderbird Rd, El Mirage AZ 85335 submitted by the KGR Group. (Development Services - Planning & Zoning)

Mayor Hermsillo opened the Public Hearing.

Senior Planner Jose Macias presented information on the conditional use permit zoning application for a freestanding sign. Applicant Keith Gallagher stated there are eight businesses within a mile of his location with signs up to eighteen feet tall and that the tree canopy at his location covers sign visibility at the regular height. Mr. Gallagher stated he had three options for council to consider, which include removal of the trees, approving a sign that is twenty-five feet high or approving a twelve-foot sign.

Resident Lupe Amarillas detailed the code requirements for the location of the sign and stated in the future a request would be made for a second sign of the same height for the adjoining property. Mr. Amarillas said the larger signs are unnecessary and will eventually lead to other businesses asking for larger signs.

Resident Cornelia Nelson stated it is great that Rally's is coming to El Mirage but she is concerned the requested size of the sign will be a distraction that could cause traffic accidents.

Councilmember Dorcey stated she is not clear on why this is being discussed if the code requirements have been met. Mr. Macias clarified the code requirements and the reason for the conditional use permit. **Councilmember Norton** stated the City does allow exceptions for signs of this height and there are other signs in the City that are just as high, if not higher. Mr. Macias stated those signs had been installed prior to the current code requirements that were adopted in 2022. **Councilmember Winston** asked if the sign could be lowered to ten feet and Mr. Macias stated there would still be a need for a conditional use permit at that height. **Councilmember Jones** asked what the size of the sign would be and Mr. Gallagher stated about sixty-four square feet in total. **Councilmember Jones** stated he is sure no one wants the trees to be removed.

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

Vice Mayor Shapera stated the trees in that location were originally donated and no one thought they would grow as tall as they have. **Vice Mayor Shapera** stated the Council needs to be flexible in order to allow businesses to attract more customers. **Councilmember Dorcey** stated she does not want to see the trees removed, and the applicant has been reasonable with the request.

Councilmember Dorcey stated she is in favor of this item. **Councilmember Jones** stated the seating for the business is on the west side and the trees would provide needed shade for the area, and he is fine with a twelve-foot sign. **Councilmember Winston** asked what the height of the Gentry Park sign is and Mr. Macias stated it is approximately twenty-two feet high.

Councilmember Delgado stated staff have put a lot of effort into working with this applicant.

Councilmember Norton stated she agrees with Vice Mayor Shapera in that Council needs to be flexible and work with the applicant in order to generate revenue for the City. **Mayor Hermsillo** thanked Mr. Gallagher for his flexibility and stated she is in favor of this item. **Councilmember Dorcey** stated Council should approve what the applicant originally asked for. **Councilmember Jones** stated he is not concerned with a fifteen-foot sign and he wants the applicant to be successful.

Vice Mayor Shapera moved to approve a conditional use permit zoning application for a Master Sign Program as presented; seconded by Councilmember Dorcey.

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 Crystal Dyches reminded everyone of the Push-In Ceremony taking place on Wednesday, April 3, 2024, at 3:00 pm at the Fire Station.

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 Shapera stated he is pleased with the motor vehicle enforcement event that took place recently and that the recent arrest and seizure that involved the new K9 Gunner was very substantial to the city. **Councilmember Delgado** stated he attended the Grand Opening of CRI recently and the tour of the facility was very nice. **Councilmember Norton** encouraged all members of the public to say something to authorities if they see a child in danger.

Councilmember Winston stated she also attended the CRI Grand Opening and the facility is amazing.

10. **EXECUTIVE SESSION**

- 1. Consideration and action to adjourn into Executive Session pursuant to A.R.S. § 38-431.03.A.4. for discussions or consultations with designated representatives of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. (Administration)

Vice Mayor Shapera moved to adjourne into Executive Session; seconded by Councilmember Dorcey.

Vote: 7 - 0 Passed - Unanimously

11. **ADJOURNMENT - MEETING ADJOURNED AT 7:41 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 2, 2024, and a quorum was present.


Sharon Antes, City Clerk