

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, JUNE 4, 2024

Minutes

1. ROLL CALL

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

Absent: Councilmember Roy Delgado (Excused)

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

Pledge of Allegiance
Moment of Silence

Introduction of new employees - Assistant Police Chief Doug Hildebrandt introduced Police Investigator Specialist Brian Elz and Police Officer Brian Hall.

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.

Residents Melissa and Josephine Garza stated they are concerned about parking on their property once the proposed business next door to theirs at 11919 West Thunderbird is in operation. They also asked who will ensure that trash and appliances are disposed of properly.

Resident Mark Beland stated he does not approve of the purchase of land for future City buildings. Mr. Beland stated the bond was not approved, and the land purchase should not be approved either. **Councilmember Dorcey** stated the bond was defeated by 81% of the people who voted, and there were only 21% of eligible voters who voted. **Vice Mayor Shapera** stated the need for expansion has not gone away.

Resident Jim McPhetres stated the citizens said no to the bond and the street preventative maintenance program is needed more than new buildings. Mr. McPhetres stated he has a friend at the YMCA who is not aware of the modifications being proposed at the El Mirage YMCA. He stated he previously ran the Human Resources group at Luke Air Force Base, and it would be gross negligence to spend the requested amount of money on HR software.

Resident Ryan Eldridge stated the bond was not about money, it was about projects and the people said no. Mr. Eldridge stated Council did not listen to the residents and should have negotiated

better for the purchase price of the land adjacent to City Hall. Mr. Eldridge stated there is no reason for a larger courthouse or an additional fire station.

Resident Jeff Lach stated he attended a previous meeting and requested speed humps in his neighborhood and he has not heard back from any staff about this request. Mr. Lach stated he would like to see the City budget cut and a new fire station would only serve a small portion of El Mirage.

Resident Thomas George stated no means no and the people present at the meeting represented the people who do not want these projects to move forward.

Resident Scottie Gentry stated she voted no on these projects and does not understand how the money is available for them now. Ms. Gentry stated she does not understand what the agenda item of \$345K for Gentry Park is for.

Resident Steve Gilliam stated there are public safety issues with the wash near Dysart Road, and he would like to know what Code Enforcement is doing about it. Mr. Gilliam stated there were two drug addicts at his house on Sunday night and the police did not respond when he called it in.

Resident Tracy Bilyeu stated those who did not vote in the bond election should have voted and that she is opposed to the property purchase. She does not want to see money wasted in that way. Ms. Bilyeu stated the City Manager should not get a raise, and she is already paid more than most City Managers in surrounding cities.

Resident Sherri Siso stated those who voted have spoken and Council can not say they listen to those who did not vote.

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, May 21, 2024. (City Clerk)
2. Consideration and action to authorize the City Manager to enter into a construction contract with Standard Construction to remove and replace approximately 1,654 linear feet of 8-inch PVC and VCP sanitary sewer main on Fifth Avenue from Santa Fe Lane to the alley south of Ventura Street in an amount not to exceed \$820,000 (\$799,586 + \$20,414 contingency). (Development Services/Engineering)
3. Consideration and action to request and accept, if awarded, funding from the Tohono O'odham Nation 2024 revenue sharing program, in an amount of approximately \$140,000 for the remodel of a room, creation of two classrooms to be used for child care and pre-school programs, and one storage room at the Northwest Valley Family YMCA building; and authorize the Finance Department to make the necessary budget transfers. (Grants Coordinator)
4. Consideration and action to request and accept funds, if awarded, from the Department of Justice (DOJ) Bulletproof Vest Program in an amount of approximately \$12,000 to pay for a minimum of 31 bulletproof vests and authorize Finance to make the necessary budget transfers. (Grants/Police).

5. Consideration and action to renew Governmentjobs.com, Inc. (DBA "NEOGOV") Software-as-a-Service (SaaS) Annual Agreement for unlimited job postings on governmentjobs.com in an amount not to exceed \$1,934.71 annually. (Human Resources)
6. Consideration and action to renew Governmentjobs.com, Inc. (DBA "NEOGOV") Software-as-a-Service (SaaS) Agreement for their Insight job posting and application processing software subscription in an amount not to exceed \$7,766.26 annually. (Human Resources)
7. Consideration and action to renew Governmentjobs.com, Inc. (DBA "NEOGOV") Software-as-a-Service (SaaS) Agreement for their performance employee evaluations software subscription in an amount not to exceed \$11,648.22 annually. (Human Resources)
8. Consideration and action to approve Amendment No. 1 to the current Justifacts Credential Verification, Inc. agreement in an amount not to exceed \$8,500 for FY2025. (Human Resources)
9. Consideration and action to approve the service agreement renewal with Banner Occupational Health Clinics in an amount not to exceed \$22,500 annually. (Human Resources)
10. Consideration and action to approve pavement replacement work with DCS Contracting, Inc. in an amount not to exceed \$84,949 as part of CIP #62052 - Pavement Maintenance Program. (Public Works)

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

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 zoning application to amend an existing small wireless communication cell site located at 12900 N 124th Avenue, El Mirage AZ 85335, submitted by BK Design Inc. (Development Services - Planning and Zoning)

Mayor Hermosillo opened the Public Hearing.

Senior Planner Jose Macias presented background information on the conditional use permit and introduced applicant Bryan Korte who had no additional comments. Resident Steve Gilliam asked if this upgrade would improve cell service and Mr. Korte answered it would provide better cell phone coverage in the area. Resident Hillary Gilliam asked if the towers emitted radiation and Mr. Korte stated all carriers are bound by FCC regulations that are reviewed annually. Resident Jeff Lach asked if the cell sites pay rent each month and Mr. Macias stated yes they do.

Councilmember Norton asked if this is an upgrade from 4G to 5G and Mr. Korte answered yes, the towers are only 4G at this time.

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

Vice Mayor Shapera moved to approve a conditional use permit zoning application to amend an existing small wireless communication cell site located at 12900 N. 124th Avenue; seconded by Councilmember Dorcey.

Vote: 6 - 0 Passed - Unanimously

2. A public hearing, closure of public hearing, followed by action on a conditional use permit zoning application to amend an existing small wireless communication cell site located at 14010 N El Mirage Road, El Mirage, AZ 85335 submitted by BK Design Inc. (Development Services - Planning & Zoning)

Vice Mayor Shapera moved to approve a conditional use permit zoning application to amend an existing small wireless communication cell site located at 14010 North El Mirage Road; seconded by Councilmember Dorcey.

Vote: 6 - 0 Passed - Unanimously

3. A public hearing, closure of public hearing, followed by action on a conditional use permit zoning application to amend an existing small wireless communication cell site located at 11006 N El Mirage Road, El Mirage, AZ 85335 submitted by BK Design Inc. (Development Services - Planning & Zoning)

Vice Mayor Shapera moved to approve a conditional use permit zoning application to amend an existing small wireless communication cell site located at 11006 North El Mirage Road; seconded by Councilmember Dorcey.

Vote: 6 - 0 Passed - Unanimously

4. A public hearing, closure of public hearing, followed by action on a conditional use permit zoning application to amend an existing small wireless communication cell site located at 12325 N B Street, El Mirage, AZ 85335 submitted by BK Design Inc. (Development Services - Planning & Zoning)

Vice Mayor Shapera moved to approve a conditional use permit zoning application to amend an existing small wireless communication cell site located at 12325 North B Street; seconded by Councilmember Dorcey.

Vote: 6 - 0 Passed - Unanimously

5. A public hearing, closure of public hearing, followed by a discussion and action on a conditional use permit and site plan zoning application for a proposed industrial use for a concrete batch plant located at 10241 N 121st Avenue, El Mirage, AZ 85335, submitted by Cactus Redi-Mix. (Development Services - Planning & Zoning)

Mayor Hermosillo opened the Public Hearing.

Senior Planner Jose Macias presented background information on the conditional use permit and site plan zoning application and introduced the applicant, Melvin Slater. **Councilmember Jones** stated he is concerned about the noise level restrictions as the closest residential area is 1550 feet north of the plant. Resident Jim McPhetres stated the plant is near a popular RV resort and the amount of traffic that this business will bring in has not been addressed. Resident Ryan Eldridge asked what the expected traffic flow would be and who would maintain dust control. Resident Steve Gilliam asked if this item was shown to the police and fire departments and asked who will clean the site if the business is shut down. Resident Jeff Lach asked if the site would be using well water or fresh water and who will control the dust from traffic coming and going. Mr. Slater stated there will be zero degust from the project and dust control is managed by Maricopa County.

Councilmember Norton asked what kind of sales tax revenue this business will bring to El Mirage and Mr. Slater stated the sales tax is charged at the delivery site. **Councilmember Norton** asked if the business shut down would there be a hazardous waste issue and Mr. Slater answered there would not be. **Councilmember Norton** asked where the sand for the concrete would come from and Mr. Slater stated they have a contract with another business for that. **Councilmember Jones** asked if there have been any complaints about noise from the trucks at his other business and Mr. Slater answered no. Mr. Macias stated the trucks would be using Cheryl Drive to enter and exit the business and not Peoria Avenue. **Councilmember Dorcey** asked how many jobs this would bring to El Mirage. Mr. Slater stated there would be up to twenty-five employees. **Councilmember Dorcey** asked how many trucks per day would visit the site and Mr. Slater stated sixty to one hundred.

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

Councilmember Norton stated this site is located a good distance from the residential area. **Councilmember Jones** stated that there will be a lot of trucks per day to visit the site, and he is opposed to that much traffic in the area. **Vice Mayor Shapera** stated the area has been industrial for decades, and he is not concerned with this item. He stated he is concerned about the decibel level, and suggested it should be allowed to be increased up to 85. **Councilmember Dorcey** stated she is in favor of this item, and she does not see any reason for the traffic to use Peoria Avenue.

Vice Mayor Shapera moved to approve a conditional use permit and site plan zoning application for a proposed industrial use for a concrete batch plant located at 10241 North 121st Avenue with the added stipulation of the noise level not going above 85 decibels; seconded by Councilmember Dorcey.

Vote: 4 - 2 Passed

NAY: Councilmember Bob Jones
Councilmember Donna Winston

6. Consideration and action to approve/deny a site plan for an office and retail use located at 11919 W. Thunderbird Road, El Mirage, AZ 85335, submitted by R Lepore Architecture, LLC. (Development Services - Planning & Zoning)

Senior Planner Jose Macias provided background information on the item and stated he did not see the applicant present. **Vice Mayor Shapera** stated the City paid \$420K to widen Thunderbird Road and parking is not an obligation the City needs to provide. **Vice Mayor Shapera** stated the applicant should buy or lease land to provide parking for the business, they should not be utilizing the parking next to the Post Office and he is not in support of this item. **Councilmember Norton** stated she is also concerned with the parking issue and will not support giving away parking for this business. **Councilmember Norton** then stated she is not in favor of metal siding on the building and that it is not a welcome sight to see. **Councilmember Jones** stated he is also concerned with the parking issue and is against a parking waiver. **Councilmember Jones** agreed with Councilmember Norton about the appearance of the building and stated the design could be nicer than what is proposed. **Mayor Hermosillo** stated it is nice that someone is interested in the property and she agrees with Council about the parking situation. **Mayor Hermosillo** stated if the applicant returned with changes to the plan it would be beneficial for future consideration. **Councilmember Dorcey** stated she agrees with the parking concerns and asked Mr. Macias to explain the trash container situation. Mr. Macias stated the applicant was not able to get approval from the U.S. Post Office to allow trash pickup at the south end of the property, and so they changed the trash service to residential to allow for disposal. **Councilmember Dorcey** stated the applicant needs to correct these issues and she asked them to return at a later date with better options.

Vice Mayor Shapera moved to deny approval of a site plan for an office and retail use located at 11919 W. Thunderbird Road, El Mirage, AZ 85335, submitted by R. Lepore Architecture, LLC.; seconded by Council by Councilmember Dorcey.

Vote: 6 - 0 Passed - Unanimously

7. Consideration and action to authorize the City Manager to sign and execute all documents necessary for the purchase of real property, consisting of approximately 332,896 square feet of land, commonly known as APN 501-45-980 B, including off-site improvements, for municipal purposes in an amount not to exceed \$1,870,000 plus closing costs, and direct the Finance Department to make appropriate budget transfers. (Development Services/Engineering)

Assistant City Engineer Bryce Christo provided background information on the property purchase. **Councilmember Dorcey** stated Council needs to think about the future of the City and the decision to acquire this land is brilliant. **Councilmember Jones** stated this is a great deal and very important to the City. **Councilmember Winston** stated she wanted to clarify that there has been no discussion on the property purchase being completed for the installation of new City buildings. **Councilmember Norton** stated this property was clearly identified in the bond issue renderings for a fire department and courthouse facility. **Councilmember Norton** stated she does not want to see unnecessary spending and if there was an additional fire department built there would not be enough staff to operate it. **Councilmember Dorcey** stated she objects to comments about an item that has already been discussed. **Councilmember Norton** discussed the current statistics of the fire department currently in use and stated she is absolutely against this item. **Councilmember Winston** stated the purchase of the property has nothing to do with a fire department or courthouse. **Vice Mayor Shapera** stated that the purchase of this land was planned years ago when the City was told they would have first rights to the purchase. **Vice Mayor Shapera** stated if the City doesn't purchase this land now someone else will, it has nothing to do with the bond, and he is in favor of the purchase.

Vice Mayor Shapera moved to authorize the City Manager to sign and execute all documents necessary for the purchase of real property, for municipal purposes in an amount not to exceed \$1,870,000 plus closing costs, and direct the Finance Department to make appropriate budget transfers; seconded by Councilmember Dorcey.

Vote: 5 - 1 Passed

NAY: Councilmember Anita Norton

8. Consideration and action to approve Ordinance O24-06-04 adopting the City's property tax levies for Fiscal Year 2024-2025. (Administration)

Deputy City Manager Robert Nilles provided background information on Ordinance O24-06-04.

Vice Mayor Shapera moved to approve Ordinance O24-06-04 adopting the City's property tax levies for Fiscal Year 2024-2025 as presented; seconded by Councilmember Dorcey.

Vote: 6 - 0 Passed - Unanimously

9. Consideration and action to approve the Intergovernmental Agreement (IGA) for the School Resource Officer (SRO) with the Dysart Unified School District (DUSD) for the 2024/2025 school year at a cost not to exceed \$549,196. (Police).

Assistant Chief Hildebrandt presented information on the Intergovernmental Agreement with the Dysart Unified School District that would provide ten months of officers' salaries; two SROs are currently planned with the possibility of four officers if funding is available.

Vice Mayor Shapera moved to approve the Intergovernmental Agreement for the School Resource Officer with the Dysart Unified School District for the 2024/25 school year; seconded by Councilmember Dorcey.

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 Crystal Dyches introduced Parks and Recreation Director Sean VonRoenn who stated the first Sunday swim event at the YMCA had fifty families in attendance and sixty residents signed up for swimming lessons.

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 Dorcey thanked staff for all of their hard work on the budget this year.

Councilmember Norton thanked Keith Gallagher and his partners at Rally's for handing out fliers to their customers regarding mental health awareness. **Vice Mayor Shapera** asked if Councilmember Norton initiated that action, and she said the fliers were given out at multiple locations. She stated Mr. Gallagher asked for something smaller that could be given out in bags to customers.

8. **EXECUTIVE SESSION**

1. Consideration and action to adjourn into Executive Session pursuant to A.R.S. §38-431.02.A.1 for the annual review of the City Manager's contract and performance evaluation. (Administration)

Vice Mayor Shapera moved to adjourn into Executive Session pursuant to A.R.S. §38-431.03.A.1 for the annual review of the City Manager's contract and performance evaluation; seconded by Councilmember Dorcey.

Vote: 6 - 0 Passed - Unanimously

9. **RESUME REGULAR AGENDA**

1. Consideration and action to amend the City Manager's employment agreement as discussed in the Executive Session. (Council)

Vice Mayor Shapera moved to amend the City Manager's employment agreement as discussed in the Executive Session; seconded by Councilmember Dorcey.

Vote: 6 - 0 Passed - Unanimously

10. **ADJOURNAMENT - Meeting adjourned at 8:49 p.m.**

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, June 4, 2024, and a quorum was present.



Sharon Antes, City Clerk