

**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, DECEMBER 4, 2018**

Minutes

1. ROLL CALL

Present: Councilmember Roy Delgado, Councilmember Anita Norton, Councilmember Lynn Selby, Councilmember Jack Palladino, Councilmember David Shapera
Excused: Mayor Lana Mook and Vice Mayor Bob Jones

2. CALL TO ORDER

The Meeting was called to order at 6:00 pm.

Pledge of Allegiance

Moment of Silence

3. SWEARING IN OF NEW COUNCILMEMBERS

1. Swearing in of new Council Members elected at the Primary Election held August 28, 2018 and canvassed on Resolution R18-09-14 and Mayor elected at the General Election held November 6, 2018 and canvassed on Resolution R18-09-14 and Mayor elected at the General Election held November 6, 2018 and canvassed on Resolution R18-11-19.

Outgoing Councilmember Jack Palladino thanked the citizens of El Mirage for his opportunity to serve this community over the last eight years. He stated he is proud of the many improvements made during that time and specifically praised City staff and their contributions. He wished the new Mayor and Council all the best and continued success in moving El Mirage forward.

City Clerk Sharon Antes presented the Oath of Office to Councilmembers Elect Monica Dorcey, Anita Norton and Donna Winston.

Tolleson Mayor Anna Tovar presented the Oath of Office to Mayor Elect Alexis Hermosillo.

Councilor Delgado presented Mayor Hermosillo with the gavel and asked that she guide the City with empathy for all voters in every part of the City.

2. Consideration and action to designate a Councilmember as Vice Mayor pursuant to City Code §32.041 VICE MAYOR.

Councilor Shapera nominated Councilor Roy Delgado as the Vice Mayor.

Councilor Shapera moved to appoint Roy Delgado as Vice Mayor pursuant to City Code §32.041 VICE MAYOR; seconded by Councilor Selby. Motion carried unanimously (7/0).

4. ROLL CALL

Present: Mayor Alexis Hermosillo, Vice Mayor Roy Delgado, Councilmember Monica Dorcey, Councilmember Anita Norton, Councilmember Lynn Selby, Councilmember David Shapera, Councilmember Donna Winston

5. CALL TO THE PUBLIC - No Public Comment Cards 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 accept the FY 2018 Comprehensive Annual Financial Report (CAFR) as an official record of the City of El Mirage. (Finance)
2. Consideration and action to enter into a right-of-way access agreement with Arizona Department of Environmental Quality (ADEQ) for the installation of ground water monitoring wells. (Public Works)
3. Consideration and action to apply for a grant, and accept funds if awarded, from the Arizona Department of Homeland Security (DHS), State Homeland Security Grant Program in an amount not to exceed \$60,000 for police equipment to protect against acts of terrorism and other catastrophic events. (Administration)
4. Consideration and action to apply for, and accept funds if awarded, a grant from the Arizona Department of Homeland Security (DHS), State Homeland Security Grant Program in an amount not to exceed \$65,000 for equipment to protect against acts of terrorism or other catastrophic events. (Administration)
5. Consideration and action to apply for a grant, and accept funds if awarded, from the Arizona Department of Homeland Security (DHS) State Homeland Security Grant Program in an amount not to exceed \$100,000 for fire department security upgrades to include steel security curved top fence, security cameras, and lobby service window enhancement. (Administration)

6. Consideration and action to apply for a grant, accept funds if awarded, from the 100-Club Safety Enhancement Stipend, for a utility vehicle in an amount not to exceed \$50,000 to be used by the Fire and Police Departments. (Fire Department)

Councilor Shapera requested Consent Agenda Item 6 be moved to the Regular agenda.

Vice Mayor Delgado moved to approve Consent Agenda items 1 through 5 as presented; seconded by Councilor Norton. Motion carried unanimously (7/0).

7. REGULAR AGENDA

- 1A. Consideration and action to apply for a grant, accept funds if awarded, from the 100-Club Safety Enhancement Stipend, for a utility vehicle in an amount not to exceed \$50,000 to be used by the Fire and Police Departments. (Fire Department)

Fire Chief DeChant reported the Fire and Police Departments have experienced an increase in calls requiring emergency response and extrication for homeless individuals occupying areas along the river bed on the eastern edge of the City. Current apparatus is unable to safely access these areas and a utility vehicle will provide the necessary tool to provide the needed access. The grant application is due December 15, 2018.

Councilor Shapera stated he believes this will enhance the service the City provides. Councilor Norton asked if the vehicle would be outfitted with lights and sirens and Chief DeChant showed photos of the 4-seater vehicle with all the necessary equipment. He stated these types of calls would generally have three firefighters and one police officer respond. Vice Mayor Delgado asked how long it will take to bring this vehicle on board once the grant is approved and Chief DeChant replied it has a 4-6 month build time.

Councilor Shapera moved to approve an application for a grant, accept funds if awarded, from the 100-Club Safety Enhancement Stipend, for a utility vehicle in an amount not to exceed \$50,000 to be used by the Fire and Police Departments; seconded by Councilor Norton. Motion carried unanimously (7/0).

1. Consideration and action to approve the minutes of the Regular Council meeting held Tuesday, November 20, 2018. (City Clerk)

Vice Mayor Delgado moved to approve the minutes of the Regular Council meeting held Tuesday, November 20, 2018; seconded by Councilor Shapera. Motion carried (4/0) - Vice Mayor Delgado, Councilors Norton, Selby and Shapera.

Abstentions - Mayor Hermosillo and Councilmembers Dorcey and Winston were not on Council at the time of this meeting.

2. Public Hearing, closure of Public Hearing followed by consideration and action to approve Ordinance O18-12-15 on a proposed amendment to Zoning Code §154.052 PERMITTED USES BY ZONE. (Community Development)

Mayor Hermosillo opened the Public Hearing.

Planner/GIS Jose Macias presented the current Zoning Code noting that the United States Department of Justice text amendment for Table of Land Use states “No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.” He explained the current zoning code may be in contradiction with the federal code and the proposed change is to bring the City’s code into compliance. The Planning & Zoning Commission recommended approval with a 5-0 vote at their November 15, 2018 Public Hearing.

Councilors Norton and Shapera asked questions regarding clarification of religious assembly and whether an existing business with a valid liquor license may be impacted because of this proposed ordinance language. Mr. Macias responded that the current code requires a religious assembly to have Conditional Use Permit in all zones (rather than allowing for some zones to be permitted) and the City Attorney further explained that existing businesses would not be impacted except that new religious assemblies would still need to adhere to the 1,000 foot buffer.

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

Vice Mayor Delgado moved to approve Ordinance O18-12-15 on a proposed amendment to Zoning Code §154.052 PERMITTED USES BY ZONE; seconded by Councilor Selby. Motion carried (6/0). Councilor Dorcey recused herself from voting as she previously voted as a Planning & Zoning Commissioner on this item.

3. Public hearing, closure of public hearing followed by consideration and action on a Conditional Use Permit required per Zoning Code §154.101 (F), to allow a Special Purpose Fence on an industrial use property located at 12007 W. Peoria Avenue, El Mirage, Arizona 85335. (Community Development)

Mayor Hermosillo opened the Public Hearing.

Planner/GIS Jose Macias presented this Conditional Use Permit (CUP) request regarding installation of a special purpose electric fence at 12007 W. Peoria Avenue. He gave particulars regarding exact location, lot and building size and surrounding properties. This type of fence requires a CUP per Zoning Code **§154.101 FENCE AND WALLS, (F)**; staff has reviewed and has no objections but proposed stipulations were provided to Council. The Planning Commission recommended approval with a 5-0 vote at the November 15, 2018 Public Hearing.

Vice Mayor Delgado and Councilors Norton and Selby asked questions of electric fence company representative Mr. Keith Connecto regarding what was stored on the property, why such a fence was needed, what the voltage of the fence would be, potential dangers of trying to breach a “hot” fence, possible liability, and whether there was enough room between the wired fence and static fence surrounding the property. Mr. Connecto explained the property was a landscaping business that stores vehicles and trailers, problems with trespassing have occurred, the voltage would be 7K volts (not enough for electrocution but enough to deliver a “memorable jolt”), any liability would lie with the owner and not the City, and there is one foot distance between the fences and the lines are flexible so no entrapment would occur.

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

Vice Mayor Delgado moved to approve a Conditional Use Permit required per Zoning Code §154.101 (F), to allow a Special Purpose Fence on an industrial property located at 12007 W. Peoria Avenue, El Mirage, Arizona 85335; seconded by Councilor Norton. Motion carried (6/0). Councilor Dorcey recused herself from voting as she previously voted as a Planning & Zoning Commissioner on this item.

4. Public hearing, closure of public hearing, followed by consideration and action to approve a site plan for an exterior storage yard located at 12398 West Butler Drive and authorize the Mayor to enter into a Development Agreement. (Community Development)

Mayor Hermosillo opened the Public Hearing.

Planner/GIS Jose Macias presented this Site Plan approval request for Jenner Properties located at 12398 W. Butler Drive providing lot and building sizes, zoning and surrounding properties. He quoted from an August 24, 2011 settlement agreement with Mr. Jenner as follows: “C. The area of parcel between El Mirage Road and a point 200 feet west of the parcel’s east property line shall not be used for any purpose until a site plan for that part of the parcel has been submitted and approved by El Mirage.”

Mr. Macias then reviewed the site plan and staff recommendations that included two stipulations for approval – 1) applicant shall address the Technical Advisory Committee (TAC) comments/redlines with the construction and civil plan submittal, and 2) agree to a Development Agreement to install the required off-site improvements (sidewalk and street lights) as per the terms of the agreement. The Planning & Zoning Commission recommended approval with a 5-0 vote at the October 9, 2019 public hearing. Staff is seeking final action from Council for the site plan approval and authorizing the Mayor to enter into a development agreement which provides for a 5-year delay in installing the sidewalk and street lights. Applicant Blair Jenner was present and answered questions for Council.

Councilors Shapera, Selby and Norton asked numerous questions related to the need for a 5-year delay request in the proposed Development Agreement, type of wall proposed along El Mirage Road, height of the proposed wall, where the sidewalk was to be located, and why the need for new type light poles versus standard industrial light poles.

Mr. Macias and Mr. Jenner responded that the delay was requested because there is nothing in that area at the moment and it is still under construction, the wall will mostly be block except for the ingress and egress areas, wall height would be six feet, the sidewalk would be located along the El Mirage Road frontage, and the new type poles are requested to provide continuity along El Mirage Road.

Councilor Shapera restated his objection to allowing for the 5-year delay in a Development Agreement and stated he should not be given preference under these circumstances - other properties in this area have abided by the Code and he believed no exception should be made on this project.

Public input was requested by resident Mr. Gilliam, who asked for clarification on “authorizing” the new Mayor to enter into a Development Agreement when she was just newly elected and may not have enough background; Attorney Pierce pointed out this agenda item only allows the Mayor to be signatory.

Mayor Hermosillo closed the Public Hearing.

Councilor Shapera moved to approve a site plan for an exterior storage yard located at 12398 West Butler Drive and authorize the Mayor to enter into a Development Agreement but removing the 5-year delay in the Agreement; seconded by Councilor Winston. Motion carried (6/0). Councilor Dorcey recused herself from voting as she previously voted as a Planning & Zoning Commissioner on this item.

5. Consideration and action to approve hiring three additional firefighters. (Fire Department)

Fire Chief Christopher DeChant reported the Fire Department is requesting to utilize budget allocation from the current fire department budget to hire three additional firefighters and promote three firefighters to Captains and three Captains to Engineers. These budgeted funds are the match amount for the SAFER grant that was applied for in April but not funded. He broke down and explained the associated costs for this request.

Vice Mayor Delgado and Councilors Norton and Dorcey asked questions regarding when the new engine could be in use, the necessity for promotions, and additional clarification on the funding for these positions if approved. Chief DeChant stated that the engine would not be in use until end of April/beginning of May and the promotions and three firefighters are all needed at this time; Finance Director Robert Nilles explained the budgeting in place and that CIP budgeting will provide for these salaries through 2026.

Vice Mayor Delgado moved to approve the hiring of three additional firefighters; seconded by Councilor Norton. Motion carried unanimously (7/0).

6. Consideration and action to appoint replacement Council committee members on three Council approved committees vacated by Vice Mayor Jones. (Councilmembers Shapera and Selby)

Councilor Shapera withdrew this item from the agenda at this time.

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 congratulated the newly elected Mayor and Councilmembers.

Ms. Dyches invited everyone to the Christmas Tree Lighting Ceremony being held Friday, December 7, 2018, from 5:00-9:00 pm at Gentry Park.

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.

Councilor Shapera commented the message board at Gentry Park looks great and will give a lot of service to the community.

Vice Mayor Delgado reported the Northwest Valley YMCA Youth Basketball Sports Clinic is coming up at a cost of \$65.00. They will be coached by Alvin Miller, a former Suns player. At the end of the clinic, each participant will receive a pair of Nike shoes. Donations are being accepted and he encouraged participation in this event.

Mayor Hermosillo thanked everyone who has shown support throughout the last year. It has been an honor to run and be elected as Mayor in the City of El Mirage. She knows to whom much has been given, much is required. She stated she welcomes the new responsibility in this new role, does not take it lightly and is excited to work with everyone.

10. EXECUTIVE SESSION

- 1. Consideration and action to adjourn into Executive Session pursuant to A.R.S. §38-431.03.A.1. regarding the City Manager goals per contract. (City Clerk)

Councilor Shapera moved to adjourn into Executive Session pursuant to A.R.S. §38-431.03.A.1. regarding the City Manager goals per contract; seconded by Vice Mayor Delgado. Motion carried unanimously (7/0).

- 11. **ADJOURNMENT** - The meeting was adjourned at 7:50 pm.



Alexis A. Hermosillo, Mayor

Attested:



Sharon Antes, City Clerk

I hereby certify the aforementioned minutes are a true and accurate record of the El Mirage City Council Regular Meeting held on Tuesday, December 4, 2018 and a quorum was present.



Sharon Antes, City Clerk