

**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, AUGUST 14, 2018**

Minutes

I. ROLL CALL

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

II. CALL TO ORDER

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

Pledge of Allegiance

Moment of Silence

Silence Cell Phones & Pagers

Introduction of new City employees:

Police Chief Paul Marzocca gave a brief background and introduced the following new Police Department employees:

Assistant Police Chief Douglas Hildebrandt - started August 6, 2018

Police Officer Casey Hunter - started June 14, 2018

Police Officer Mike Lowry - started June 25, 2018

Police Officer Sergio Navarro - started July 2, 2018

Police Officer Chad Banuelos - started August 6, 2018

Victims' Advocate Raquel Oros - started June 18, 2018

Director of Court Services Rod Wettlin introduced the following new Court employee:

Judicial Assistant Tiffany Ramjag – started July 9, 2018

III. PRESENTATION

1. Presentation of the new El Mirage Economic Development video (Economic Development)

Economic Development Manager Tom Doyle presented the new El Mirage Economic Development video to promote the City of El Mirage. This particular video focuses primarily on non-retail, private development with a retail version to follow later this year. Ron Merritt, President of On-Advertising, Inc., developer of the video, was introduced to Council.

IV. PROCLAMATION

2. Proclamation to Recognize Child Support Awareness Month, August, 2018 (Administration)

Deputy Director Intergov and PR Manager Amber Wakeman presented the Child Support Awareness Month Proclamation.

The Department of Economic Security, Division of Child Support Services, has asked cities and counties in the State of Arizona to recognize the month of August 2018 as Child Support Awareness month. This proclamation increases awareness of bettering the lives of children and making sure they have the tools they need to succeed. Proclamations will be on display at the Department of Economic Security. Accepting the proclamation was Navid Askarinya, Community Initiatives Region Liaison from the Department of Economic Security – Division of Child Support Services.

Mayor Mook proclaimed the month of August, 2018 as Child Support Awareness Month.

V. 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.

El Mirage resident Jim Perry asked for guidance on what it would take to control speeding in the Dysart Ranchettes. He stated drivers are speeding at 50 – 60 miles per hour on streets with no stop signs and not even obeying the stop signs on other streets. He believes there is a need to make the Ranchettes a safer place to live and asked Council to take necessary steps to reduce speeding. Mayor Mook directed Police Chief Paul Marzocca to review the matter and communicate back to Mr. Perry.

El Mirage resident John Zeppeda presented a proposal for Gateway Park expansion. He stated he would like to see El Mirage become a thriving, fun and safe community by adding a state-of-the-art, one-of-a-kind sports complex that would provide recreation for the seven elementary school and high school students in El Mirage and a place that compares and exceeds neighboring cities' facilities.

VI. 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, July 3, 2018. (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. §41-151.19. (City Clerk)
3. Consideration and action to approve the destruction of personnel records that have reached the end of their retention period as authorized under ARS §41-151.19. (Human Resources)
4. Consideration and action to authorize the Finance Director to make necessary budget transfers to adjust for the change in oversight of the Senior Center from Community Development to Administration. (Finance)
5. Consideration and action to authorize the City Manager to order 508 acre feet (AF) of Central Arizona Project (CAP) sub-contract water and pay the associated delivery and recharge fees in the estimated amount of \$107,696. (Public Works)
6. Consideration and action for City Manager to enter into contract with Peoria Ford for the purchase of new vehicle as outlined in the FY19 CIP at a cost of \$31,414. (Public Works)
7. Consideration and action to authorize execution of the Intergovernmental Agreement (IGA) with the Maricopa County Department of Transportation (MCDOT) to waive traffic control permit fees. (Community Development)
8. Consideration and action to approve a security guard services agreement with Shetler Security Services for security services at the City Court and authorize the Deputy City Manager/Finance Director to transfer \$8,000 from Council Contingency. (City Court)

Vice Mayor Jones moved to approve Consent Agenda Items 1 through 8; seconded by Councilor Delgado. Motion carried unanimously (7/0).

V. REGULAR AGENDA

- A. Presentation of Certificate of Appreciation to City Utilities Supervisor Scott Ketchmark related to a recent utility system capital improvement project.(Public Works)

Public Works Director Nick Russo presented a Certificate of Appreciation to City Utilities Supervisor Scott Ketchmark from the Public Works Department for his contributions on the Water Storage Relocation Project; it was his suggestion to paint the City's logo on each of the tanks at the entrance to El Mirage on Thunderbird Road. Mayor Mook stated this is an example of the quality of City employees; they are working hard, improving the City and making a difference.

13. Consideration and action to approve Addendum 2 to the Memorandum of Understanding (MOU) between City of El Mirage (COEM) and El Mirage Police Employees Association (EMPEA). (Police)

Police Chief Paul Marzocca presented the MOU addendum stated he worked with the Police Department, the Police Association, Human Resources and City Attorney to provide more flexible language in the MOU. The addendum will provide the Police Chief with authority to select hours and correct shift pay incentive for two sergeants who were inadvertently but negatively impacted by the most recent changes.

Vice Mayor Jones moved to approve Addendum 2 to the Memorandum of Understanding (MOU) between City of El Mirage (COEM) and El Mirage Police Employees Association (EMPEA); seconded by Councilor Delgado. Motion carried unanimously (7/0).

- C. Consideration and action to convene into the Board of Adjustment for a public hearing, for the purpose of considering a variance request from the zoning standards requirements in chapter §154.053 of the City of El Mirage Zoning Code to reduce the lot minimum width and side yard set-backs at 11021 N. 127th Avenue, and to close the Board of Adjustment and reconvene into Regular Session. (Community Development)

Vice Mayor Jones moved to convene into the Board of Adjustment; seconded by Councilor Delgado. Motion carried unanimously (7/0).

Planner/GIS Jose Macias presented this request for a variance located at 11021 N. 127th Avenue describing the lot size, zoning identification, and bordering properties. Two public comments have been received. He further explained the request is for a variance to depart from the Zoning Code Chapter §154.053 Table of Zoning Standards regulations to be able to split a residential lot into two smaller residential lots; the applicant is requesting to reduce the current 120 foot minimum lot width to 95 feet, and reduce the side yard set-backs from the current 20 foot minimum to 10 feet. Mr. Macias quoted Chapter §154.153 providing conditions that must be met to allow for the requested variance.

Staff does not recommend supporting this variance request stating the applicant failed to meet the criteria for a variance as stated in the Code. Applicant Mr. Mercado does not believe his variance request is against code and stated there are neighbors who have variances and he does not see a problem with his proposed lot size.

Dysart Ranchettes owners Doug Hood, Deborah Flowers, Sylvia Saenz-Hernandez, Lisa Tonks, Robyn Freberg, Jim Perry, and Jean Bergen spoke against allowing the variance.

Mayor Mook closed the Public Hearing of the Board of Adjustment.

Councilor Shapera stated he could not recall any splits of this type when he was on the Planning & Zoning Commission or the Council and Mr. Macias confirmed there have been no lots split with less than 120 feet.

Councilor Delgado stated he is not in favor of the lot split as he wishes to maintain the larger lots as designed.

Vice Mayor Jones stated he agreed the integrity of the lot sizes in the Ranchettes should be maintained and not reduced.

Councilor Norton noted there were lots split prior to the zoning change and she does not believe this split would change the character of the neighborhood. However, she further stated that the Council must abide by Arizona State Statutes; A.R.S §9-462.06 says there are four requirements to be met for approval of a variance and she does not believe these requirements have been met.

Mayor Mook stated the relief Mr. Mercado is requesting could potentially decrease property values of the neighbors stating the Ranchettes is a unique area in El Mirage that has been preserved over the years to allow for raising farm animals, ranching, and stock breeding as well as the ability to raise crops for feed for the animals. She stated she does not believe Mr. Mercado has proven a need that would outweigh the wishes of the rest of the property owners.

Vice Mayor Jones moved to decline the variance request; seconded by Councilor Shapera. Motion carried unanimously (7/0) by a show of hands to approve denial of the request.

Vice Mayor Jones moved to close the Board of Adjustment and reconvene into Regular Session; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- D. Public hearing, closure of public hearing, followed by consideration and action on a Zoning Development Application for a Major Site Plan for an Industrial Use on 25 acres of land located west of Dysart Road and north of Olive Avenue. (Community Development)

Mayor Mook opened the Public Hearing.

Planner/GIS Jose Macias presented this Major Site Plan Approval for Cives Corporation at 13501 W. Joe R. Ramirez Road showing lot size, zoning identification, surrounding uses and reviewing the comprehensive site plan.

Staff has no objections to the project and recommends approval of the major site plan zoning application with stipulations that include addressing the Technical Advisory Committee (TAC) comments/redlines with the construction and civil plan submittals. The Planning & Zoning Commission held a public meeting on July 10, 2018; the Commission approved the site plan with a 4-0 vote and recommended the zoning application proceed to Council for final action.

Applicant representative Tom Farr thanked staff and Council for their professionalism and smooth process in their application.

Councilors Norton, Shapera, Selby and Delgado asked Mr. Farr questions relating to ingress/egress from the site, the new road extension, need for a cement pad off of Dysart Road because of heavy equipment, types of trucking and rail use requirements, hours of operation, and number of jobs being created.

Residents Jim Perry, Doug Hood and Steve Gilliam asked Mr. Farr questions relating to adequate traffic control and parking to include growth, noise and pollution that may be generated from the plant, and what impact current steel tariffs might have on their business.

Planning & Zoning Commission Chairperson Monica Dorsey stated she was excited about the number and types of potential jobs this facility will create for El Mirage and Mr. Farr explained their hiring process.

Mayor Mook closed the Public Hearing.

Vice Mayor Jones moved to open the Public Hearing, close the Public Hearing, and approve the zoning application for a major site plan for an industrial use on 25 acres of land located west of Dysart Road and north of Olive Avenue; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- e. Public hearing, closure of public hearing, followed by consideration and action to approve a Conditional Use Permit for a 70 foot monopole Wireless Communication Facility at 12129 West Peoria Avenue. (Community Development)

Mayor Mook opened the Public Hearing

Planner/GIS Jose Macias presented the request for a Conditional Use Permit from WCF (wireless communication facility) Sun State Towers located at 12129 W. Peoria Avenue explaining the lot size, zoning identification and bordering properties.

Staff has no objections to the project and recommends approval of the Conditional Use Permit zoning application for wireless communication facility with stipulations that the applicant address the Technical Advisory Committee (TAC) comments/redlines with the construction and civil plan submittals. The Planning & Zoning Commission held a public meeting on July 10, 2018; the Commission approved the Conditional Use Permit with a 4-0 vote and recommended the Conditional Use Permit zoning application proceed to council for final action.

No Council or public comments were received.

Vice Mayor Jones moved to open the Public Hearing close the Public Hearing, and approve the Conditional Use Permit for a 70-foot monopole

wireless communication facility at 12129 West Peoria Avenue; seconded by Councilor Delgado. Motion carried unanimously (7/0).

3. Consideration and action to authorize the City Manager to enter into a construction contract with Paveco, Inc. to reconstruct approximately 2,400 linear feet of Butler Drive in an amount of \$679,024 including a 10% contingency. (Community Development)

Assistant City Engineer Bryce Christo presented the construction contract with Paveco, Inc. for the Butler Drive reconstruction. The reconstruction of Butler Drive between El Mirage Road and 127th Avenue (approx. ½ mile) includes removing and replacing the existing roadway with a 36-foot wide pavement section, replacing driveways, installing new water service lines, relocating meter boxes and hydrants and installing signage along this corridor. Nfra, Inc. completed the design and the project was advertised in June, 2018. On July 18, 2018 seven bids were received and Paveco Inc. provided the lowest bid at \$617,294.

No Council or public comments were received.

Vice Mayor Jones moved to authorize the City Manager to enter into a construction contract with Paveco, Inc. to reconstruct approximately 2,400 linear feet of Butler Drive in an amount of \$679,024 including a 10% contingency; seconded by Councilor Delgado. Motion carried unanimously (7/0).

6. Consideration and action to approve Ordinance O18-08-08 amending Chapter 76. SCHEDULE I. LOCAL SPEED LIMITS of the El Mirage City Code allowing revisions to the speed limits along El Mirage Road between Olive Avenue and Peoria Avenue. (Community Development)

Assistant City Engineer Bryce Christo presented Ordinance O18-08-08 amending Chapter 76 SCHEDULE I. LOCAL SPEED LIMITS. The Maricopa County Department of Transportation (MCDOT) performed the design and reconstruction of El Mirage Road between Northern Avenue and Gateway Park and as part of that design, proposed minor modifications to the speed limits between Olive Avenue and Peoria Avenue. The original northbound direction signage had speed limits of 50 mph between Olive Avenue and Cinnabar Avenue and 40 mph between Cinnabar Avenue and Peoria Avenue while the southbound speed limit was 40 mph for the entire distance between Olive Avenue and Peoria Avenue. The proposed design revises the speed limits to 45 mph between Olive Avenue and Joe R. Ramirez Road and 40 mph between Joe R. Ramirez Road to Peoria Avenue in both directions.

No Council and public comments were received.

Vice Mayor Jones moved to approve Ordinance O18-08-08 amending Chapter 76. SCHEDULE I. LOCAL SPEED LIMITS of the El Mirage City Code allowing revisions to the speed limits along El Mirage Road between Olive Avenue and Peoria Avenue; seconded by Councilor Delgado. Motion carried unanimously (7/0).

11. Consideration and action to use the City of Peoria JOC No. ACON58913 for the purpose of installing crosswalk warning lights at two existing HAWK crossings in the amount of \$40,000.00 including a 5% contingency. (Community Development)

Assistant City Engineer Bryce Christo presented the City of Peoria JOC for the purpose of installing crosswalk warning lights at two existing HAWK crossings.

The City currently has two HAWK Crossings located along the walking route to and from elementary schools – one at Cactus Road and 127th Avenue and one at El Mirage Road and Soledad. In order to provide an extra layer of safety, 10 warning lights are proposed at each crossing to alert drivers, day or night, that pedestrians are using the crosswalk. The lights are placed within the pavement and are designed to flash when the pedestrian push button is activated. The improvements are funded in the City's Capital Improvement Plan for FY18/19 with a budget of \$40,000.

Using the City of Peoria Job Order Contract (JOC), the City selected Redhawk Solutions, LLC to provide construction services which consists of the installation of the lights and all associated electrical work. Section 2.4 of the JOC allows the City to utilize the contract (Cooperative Purchasing). The total cost of these improvements is \$37,876.94 with an additional \$2,123.06 in contingency for a total of \$40,000.00.

No Council or public comments were received

Vice Mayor Jones moved to use the City of Peoria JOC No ACON58913 for the purpose of installing crosswalk warning lights at two existing HAWK crossings in the amount of \$40,000.00 including a 5% contingency; seconded by Councilor Delgado. Motion carried unanimously (7/0).

VI. 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 reported on the following:

The **Coffee With A Cop** event is scheduled for August 21, 2018 from 8:00-9:30 am in the Police Community Room. Coffee With A Cop brings police officers and community members together over coffee to discuss issues and build relationships.

The **League of AZ Cities and Towns Annual Conference** is scheduled for next week, August 21-24, in Phoenix. The conference looks to be filled with excellent sessions.

The **next City Council Meeting** is scheduled for **Thursday**, September 6, 2018; the meeting was changed to Thursday rather than Tuesday due to the Labor Day holiday on Monday.

VII. 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 requested the Planning & Zoning Commission review and update the sign ordinance and also requested that Palo Verde trees be removed from landscaping requirements. Councilor Shapera also asked the City Manager to schedule a meeting with the City Council Sub-Committee and the Dysart Unified School Board.

VIII. EXECUTIVE SESSION

E1. Consideration and action to adjourn into Executive Session pursuant to A.R.S. §38-431.03.A.3 and A.4 for consultation with the City Attorney on a plan of action relating to photo enforcement. (Administration)

Vice Mayor Jones moved to adjourn into Executive Session pursuant to A.R.S. §38-431.03.A.3 and A.4 for consultation with the City Attorney on a plan of action relating to photo enforcement; seconded by Councilor Palladino. Motion carried unanimously (7/0).

IX. ADJOURNMENT - The meeting was adjourned at 8:12 pm.



Lana Mook, 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, August 14, 2018 and a quorum was present.



Sharon Antes, City Clerk