

**WORK SESSION OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
10000 N. EL MIRAGE ROAD
5:00 PM – TUESDAY, OCTOBER 3, 2017**

Minutes

I. ROLL CALL

Mayor Lana Mook	Councilmember Bob Jones
Councilmember Roy Delgado	Councilmember Lynn Selby
Councilmember Jack Palladino (Excused)	Councilmember David Shapera

II. CALL TO ORDER

Pledge of Allegiance
Moment of Silence
Silence Cell Phones & Pagers

**III. P1. Presentation by Luke Air Force Base 56th Fighter Wing Commander
Brigadier General Brook Leonard. (Administration)**

LAFB 56th Fighter Wing Commander Brigadier General Brook Leonard addressed Mayor and Council stating he was appreciative that the City has helped Luke grow in amazing ways. General Leonard stated Luke wants to not only be in the community but Luke wants to be a part of the community; the F35's would not be at Luke without the City's support. He provided a short historical video and PowerPoint presentation about the history and organization of Luke Air Force Base stating there were three important items he wanted Council to be aware of:

1. Luke cares deeply about developing its Airman,
2. Luke could not fully perform their mission without the City's incredible support and he wants to continue to grow that support, and
3. Luke is only a third of the way complete with their F35 build-outs; there is much work still complete.

IV. ADJOURNMENT – Meeting was adjourned at 5:51 P.M.

**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, OCTOBER 3, 2017**

Minutes

I. ROLL CALL

Mayor Lana Mook
Councilmember Roy Delgado
Councilmember Jack Palladino

Councilmember Bob Jones
Councilmember Lynn Selby
Councilmember David Shapera

II. CALL TO ORDER

Pledge of Allegiance
Moment of Silence
Silence Cell Phones & Pagers

Mayor Mook moved the “New Employees” section from the City Manager’s Report to introduce the new Court employee at the beginning of the meeting. City Manager Dr. Isom asked Director of Court Services Rod Wettlin to introduce the new Court employee. Mr. Wettlin introduced the Court’s recent hire, Heidi Hampton and stated that she is going to be a huge asset to the City Court and the City. Ms. Hampton was welcomed by the Council.

III. CALL TO THE PUBLIC

Citizens desiring to speak on a matter that IS NOT on this agenda 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 respond to the matter, and/or (3) direct that the matter be put on a future agenda.

Mayor Mook introduces resident Anita Norton.

Resident **Anita Norton** referenced previous discussion at the last Council meeting relative to a second fire station and why it was not built as promised in the 2008 bond election. She commented she had documentation to prove there was previous discussion and read from the bond wording. She stated CM Isom was wrong in stating there was never an intention to build a second fire station.

Resident **Frank Carnal** directed his comments to Councilors Shapera, Delgado, Selby, and Jones relative to putting an item on the last agenda that he stated in his opinion was too vague for the general public to determine what was being proposed. He discussed the resulting costs to taxpayers over the next five years and wondered

about a possible open meeting law violation in not fully disclosing what was intended by the notice given to the public. He proceeded to discuss grant funding for the new fire engine, how the approved firefighters were to be financed, the presentation by the League of Arizona Cities and Towns, and campaign funds received that might influence decisions being made.

Mayor Mook asked the Counselors if they wanted to respond now or at the next council meeting; all but Councilor Delgado stated they would answer at the next meeting.

Councilor Delgado stated he had checked with the CDBG representative who stated the funds “were on track” and reported the same to Council regarding the status of the CDBG grant funds.

Resident **Laurie Carnal** also addressed Councilors Shapera, Delgado, Selby, and Jones stating that while she had helped to get them all elected she was now ashamed of their actions. She referenced the two additional fire fighters recently approved and wondered why the exact account named to pay for the initial year was taken from funds earmarked for Economic Development and redevelopment purposes. She also mentioned that their actions precluded the use of grant funds for those positions. She noted that the Council had just completed the fiscal year budget and wondered why these position requests did not come up then but are now suddenly needed. She concluded by discussing her belief that these actions were personal and directed at removing the City Manager.

Resident **Steve Gilliam** spoke on the two approved fire fighters from the last Council meeting and stated he did not believe they were needed and questioned what their duties would be; he stated he did not believe his taxes should be raised to pay for these positions. He also discussed the new fire stations being proposed in nearby Surprise and Glendale and how that would help El Mirage with response times. Mr. Gilliam also questioned whether Council was forthright enough in their notice to citizens about adding the firefighters.

CM Isom addressed the Mayor Mook stating he would respond to the public comments now.

CM Isom referenced Mr. Norton’s claim that he was giving incorrect information and stated he believed she was incorrect. He received his information from the 2008 official publicity pamphlet, the wording of which Mr. Norton read tonight and there was no mention in the election material about a second fire station being voted on. He did state to Ms. Norton that he would again review the bond wording.

CM Isom stated he has had other dealings with Ms. Norton read a memo he received from staff entitled ‘Anita Norton Incident’ dated August 18, 2017 which noted an encounter she had at approximately 1:00 PM that day with two City of El Mirage employees performing ditch inspections on 127th Avenue. They were approached by Dysart Ranchettes resident Anita Norton and the memo relates their best recollection of the conversation that took place between resident Anita Norton and themselves. They stated they felt threatened by her comments and demeanor. Dr.

Isom then read the contents of the memo. Ms. Norton then allegedly continued to explain what she is going to do when she is appointed to Council and she also remarked “the City Manager and the Mayor do not want me on Council.” Staff indicated that Ms. Norton was very aggressive and rude while speaking to them and they both felt their jobs were being threatened by her comments.

CM Isom continued by commenting on the discussions that were had on hiring more fire fighters prior to the actions taken that had unintended financial consequences resulting in not having the benefit of a department efficiency study, the possibility of offsetting some of the cost with SAFER grant funds if warranted, or the repercussions of the long term costs associated with this action. He further commented on how the City has progressed over the past seven years through sound management and discussed his contract and role and professionalism as City Manager.

IV. 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 Thursday, September 7, 2017 and the minutes of the Work Session and Regular Council meeting held Tuesday, September 19, 2017. (City Clerk)
2. Consideration and action to approve Ordinance O17-10-11 adopting Codification Supplement Eight (S8) to the Code of Ordinances for the City of El Mirage, Arizona and declaring an emergency. (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 approve a budget transfer from Council Contingency to Fire Department Vehicle Purchase. (Finance)

Councilor Delgado moved to approve items 1 thru 4 on the Consent Agenda; seconded by Councilor Shapera. Motion carried unanimously (6/ 0).

V. REGULAR AGENDA

- A. Public hearing, closure of public hearing, followed by consideration and action to approve a conditional use permit for a billboard located on Northern Parkway .47 miles west of Dysart Road at the CenterPoint Logistics Park property submitted by Juggernaut Billboards, LLC. (Community Development)

Mayor Mook opened the Public Hearing.

Planning & Zoning Coordinator Jose Macias reported that the Planning & Zoning Department is requesting approval for a Conditional Use Permit (CUP) for a billboard located at Northern Avenue, half a mile west of Dysart Road. The Planning & Zoning Commission held a public hearing on September 12, 2017 and recommended approval of the Conditional Use Permit with a 5-0 vote.

Resident Steve Gulliam asked if the sign will be electronic or paper. Mr. Macias answered that the proposed CUP is for a static board now but the owners would like to upgrade to a digital board once the area is developed more.

Councilman Shapera referenced a City ordinance that he stated calls for night lighting of the billboard to be facing down (rather than up) and he could not see that on the information provided; he asked if the lighting would be in accordance with the Code. He also stated that when the sign becomes digital it would still need to conform to City Code regarding the lighting and stated this should be a stipulation. Mr. Macias responded that the City can look into this issue and make it a stipulation for the billboards.

Hearing no comments from the public, Mayor Mook closed the public hearing.

Councilor Delgado moved to approve a Conditional Use Permit for a billboard located on Northern Parkway .47 miles west of Dysart Road at the CenterPoint Logistics Park property submitted by Juggernaut Billboards, LLC. with a stipulation that the lights be pointing down and not up; seconded by Councilor Shapera. Motion carried unanimously (6/0).

- B. Public hearing, closure of public hearing, followed by consideration and action to approve a conditional use permit for a billboard located on Northern Parkway .47 miles east of Dysart Road at the CenterPoint Logistics Park property submitted by Juggernaut Billboards, LLC. (Community Development)

Mayor Mook opened the Public Meeting.

Planning & Zoning Coordinator Jose Macias reported that the Planning and Zoning Department is requesting approval for a Conditional Use Permit (CUP) for a billboard located at Northern Avenue, half a mile east of Dysart Road. The Planning & Zoning Commission held a public hearing on September 12, 2017 and recommended approval of the Conditional Use Permit with a 5-0 vote.

Councilmember Shapera stated he has the same concerns as discussed with the previous item.

Councilmember Delgado asked what kind of revenue does a billboard like this generate back to the City and Mr. Macias responded that the billboard will be on private property and does not generate revenue for the City except there would be a \$6,000 fee per billboard when the boards are converted to digital.

Hearing no comments from the public, Mayor Mook closed the public hearing.

Councilor Delgado moved to approve a Conditional Use Permit for a billboard located on Northern Parkway .47 miles east of Dysart Road at the CenterPoint Logistics Park property submitted by Juggernaut Billboards, LLC.; seconded by Councilor Shapera with the stipulation that the lights are in accordance with City Code. Motion carried unanimously (6/0).

- C. Public hearing, closure of public hearing, followed by consideration and action to approve a site plan for an industrial use at 12425 W. Alice Avenue submitted by Riley Industrial Services, Inc. (Community Development)

Mayor Mook opened the public hearing.

Mr. Macias presented a site plan approval action item located at 12425 W. Alice Avenue in El Mirage for a 3.3 acres lot within the 65-69 LDN zone. The Planning & Zoning Commission held a public hearing on September 12, 2017 and recommended approval of the Conditional Use Permit with a 5-0 vote. Mr. Macias stated that both the architect and the owner of Riley Industrial Services, Inc. were present and they would be happy to answer any questions. Owner Mr. George Riley and architect Mr. Henry Chan with Markham Architects introduced themselves.

Mayor Mook referenced the minor action items that Mr. Macias commented on and asked whether the site would be cleaned and cleared and when that would happen; Mr. Riley stated he would have the site cleaned up prior to submitting the building permit.

Councilor Shapera asked if the 6,000 square foot building shown in the presentation was a part of the approval for the CUP and Mr. Riley and Mr. Macias confirmed that it was not; rather, this is a site plan approval request and the building would come back at a future date for plan review and permits and ultimately Council approval.

Councilor Delgado asked Mr. Riley what would be manufactured at the proposed site and Mr. Riley responded they are an industrial service company and have been in business for 47 years. Primary clients are located in the Valley and they elected to move to the valley primarily to service plants out to the west.

Councilor Selby asked how many employees Riley Industries plans to hire and Mr. Riley answered they employ 350 employees company wide, they target 30 employees for satellite offices and currently have 10 employees working in the West Valley. Councilor Selby also questioned whether eventually hiring 30 employees would be within Luke requirements give the location and Mr. Macias answered, and Mr. Riley confirmed that most of the employees would not be at the site all at once rather they would pick up equipment and vehicles and go off-site to work. This site is for a Manager and a few administrative personnel.

Resident **Steve Gilliam** asked two questions; 1) did the fire department review these plans to review for response to an emergency involving any possible hazardous chemicals on the property, and 2) will the plant be a 24-hour operation. Mr. Macias answered that the fire department is part of the TAC process and this plan was reviewed by them. Mr. Riley stated the operation hours are 6 AM – 5 PM, Monday through Friday, with an occasional Saturday.

CM Isom requested Mr. Macias explain the TAC review process, who is involved, and how they interact as well as with regard to Luke Air Force Bases review regarding these types of items. Mr. Macias stated that TAC is made up of members of each department of the City with the exception of Finance. Members include Police, Fire, Public Works, Economic Development, Engineering, and Planning & Zoning and the respective department directors are also notified. The applications are routed to the various departments by P&Z staff and comments are then provided to the applicant for them to address before the item goes before City Council. Luke Air Force Base also receives a copy of applications for review.

Hearing no further public comments, Mayor Mook closed the public hearing.

Councilor Delgado moved to approve a site plan for an industrial use at 12425 W. Alice Avenue submitted by Riley Industrial Services, Inc.; seconded by Council Palladino. Motion carried unanimously (6/0).

- D. Public hearing, closure of public hearing, followed by consideration and action to approve a site plan for a medical/dental clinic use at 13053 W. Thunderbird Road submitted by Risas Dental & Braces Equipment LLC. (Community Development)

Mayor Mook opened the public hearing.

Mr. Macias reported on an application for a site plan for a medical/dental clinic located at 13053 W. Thunderbird Road on a .89 acre lot with a proposed building of 3,384 square feet. Not public comments were received and TAC had no objections other than applicant will address all stipulations when the construction building plan and final plat are submitted for Council approval. The Planning & Zoning Commission approved the site plan with a 5-0 vote at the September 12, 2017 public hearing. Mr. Macias stated two representatives from the company were present for any questions.

Resident **Steve Gilliam** asked if the City offers new businesses any type of incentives. CM Isom called on DCM James Shano to respond. Mr. Shano reported there are two main incentives the City currently has to offer prospective businesses which are no development impact fees and the smooth and efficient application review process. Economic Development Director Tom Doyle added that the City offers marketing materials and the City is a member of GPAC and

other types of groups that the City keeps informed. Additionally, the City does not have a construction sales tax.

Councilor Jones expressed a concern over adequate parking in this and future developments and Mr. Macias stated the City can impose whatever minimum requirement is stated in the Code. Councilor Jones also asked whether landscaping was included and Mr. Macias responded yes and showed the area on the site plan. Councilor Jones also asked how many plots are left to be developed in this area and Mr. Macias answered there is one more to the east.

Councilor Shapera commented as a side note that he believed the trees blocking the sign next to Burger King on the Dysart Road side should be removed for better visibility.

Hearing no further comments, Mayor Mook closed the public meeting.

Councilor Delgado moved to approve a site plan for a medical/dental clinic use at 13053 W. Thunderbird Road submitted by Risas Dental & Braces Equipment LLC.; seconded by Councilor Shapera. Motion carried unanimously (6/0).

- E. Consideration and action to authorize the City Manager to utilize a regional agency contract with Holbrook Asphalt to perform pavement work as part of the FY 18 maintenance program in an amount not-to-exceed \$445,938.68. (Public Works)

Nick Russo provided a brief history of the City wide 30-year pavement maintenance program via a PowerPoint presentation and stated what pavement repairs were being proposed for the upcoming FY 2017/18 year. He stated that City Staff is looking for approval to utilize a regional contract with Holbrook Asphalt (City of Mesa contract 2016162); the total amount for fall 2017 is \$445,938.68.

Councilor Shapera referred to cracks in roads in Cactus Park and other areas like on 130th and 129th and asked if there was a way to fill the cracks. Mr. Russo responded there is an alternate process that involves cutting both edges of the cracks so there is a six-inch gap that is filled in with a harder material, however, it is about six times the cost of a regular crack fill. The regular crack fill for the life cycle of the pavement turns out to be less than doing the large cut, but on the especially big cracks the City could look at doing the more expensive repair.

Councilor Jones asked about the types of products being used to seal cracks on Sun Dial by Basin Park and Mr. Russo explained the various processes to best seal the cracks.

Resident Steve Gilliam wondered if there would be the possibility of partnering with the city of Surprise since it appears everyone is doing the same type of road maintenance; Mr. Russo stated that might be a possibility. DCM/Finance Director Robert Nilles explained the vetting and pricing is already handled

through state contracts and most other cities look to the city with the best pricing, which in this case right now is the city of Mesa.

Councilor Jones moved to approve the action to authorize the City Manager to utilize a regional agency contract with Holbrook Asphalt; seconded by Councilor Shapera. Motion carried unanimously (6/0).

- F. Public hearing, closure of public hearing, followed by consideration and action to approve Resolution R17-10-15 setting new fees for Community Garden boxes. (Administration)

Grants Writer Autumn Grooms reported on the relocation of the Community Garden now located at 14010 North El Mirage Road and stated the staff is seeking a fee change due to the box size change. The Notice of Intent to change fees has been duly posted for the required 60 days. The box sizes are 4 x 8 at \$40.00 annually and a 4 x 4 box for \$20.00 annually. The Grand Re-opening of the garden is scheduled for October 4, 2017. Ms. Grooms responded to the Mayor's inquiry about the seniors' response to the relocation by saying the seniors are extremely excited about the move and to picking out their boxes.

Councilor Bob Jones asked what the previous charges were for the boxes and Ms. Grooms responded that the prior cost was \$80.00 annually for a larger box.

Mayor Mook opened the public meeting and receiving no comments, closed the public hearing.

Councilor Delgado moved to approve Resolution R17-10-15 setting new fees for Community Garden boxes; seconded by Councilor Shapera. Motion carried unanimously (6 /0).

- G. Consideration and action to approve Ordinance O17-10-12 setting forth and fixing the dates, times and location of the 2018 City Council Meetings. (City Clerk)

City Clerk Antes stated the proposed calendar is an annual process that State law requires cities to approve through an Ordinance the following years Council Meeting dates, times, and locations.

Councilor Jones moved to approve Ordinance O17-10-12 setting forth and fixing the dates, times and location of the 2018 City Council Meetings; seconded by Councilor Palladino. Motion carried unanimously (6/0).

VI. CITY MANAGER 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.

1. New Employees - This item was moved to the beginning of the meeting.

2. October – Domestic Violence Awareness Month

Chief McDonald reported that this is one of the more tragic types of crime that has to be investigated. The City Police Department through the efforts of Iva Rody and her Victim Advocate Group has done a tremendous job, and she is recognized by many organizations.

Ms. Rody addressed Mayor and Council and reported that communities in partnership with the Governor's office have lit up City buildings to recognize and make communities aware of domestic violence and the issues surrounding it. Homeowners and businesses were encouraged to also participate with purple exterior lighting.

3. Halloween Harvest Festival – Friday, October 20, 2017

CM Isom introduced Amber Wakeman who reported that on October 20th the City will be hosting its annual Halloween Harvest Festival from 5pm to 9pm. She summarized the events, sponsors and donations and recognized Jeffrey Anderson's hard work.

Ms. Wakeman further reported on the very successful ADOT grant funded Safe Route to School event in cooperation with the police department at Riverview, Dysart, and Thompson Ranch schools. Students were given T-shirts for both the SRTS event as well as the T-shirts for the litter campaign.

Ms. Wakeman also reiterated the Community Garden Grand Re-opening to be held on Wednesday, October 4, 2017.

CM Isom summarized by encouraging all residents to pursue and to continue to ask for transparency and to feel free to contact him directly. He talked about how the City is working to keep taxes low and mentioned the on-going litter campaign that is reaping benefits to the community.

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.

Mayor Mook commented on her first experience with maneuvering the newly installed round about at the north end of El Mirage Road which runs into Sante Fe by the Rio Mirage restaurant.

Councilor Shapera stated he attended the STEM program and commented that the students are using the technology to show what they learned. He also stated he recommended to his HOA the possibility of fundraisers for the Explorers; he noted the HOA did raise funds and he and wife also want to donate.

Councilor Jones stated he wanted to go on record that he was not given an opportunity to explain at the September 19th Council meeting that he did not participate with any of the questions as far as level of education when the Mayor asked for a show of hands from Council members.

Councilor Selby stated he wanted to schedule a work shop with the City auditors on the first council meeting in November. He further asked about the grant received from the Tohono O’odham Nation for a basketball court at the YMCA and wondered if the grant funds could be re-distributed to provide three half courts in HOAs and provide more opportunity for residents in the community.

CM Isom explained that the grant funds were specifically for the YMCA basketball program expansion and had previously been discussed by Council. The Tohono O’odham Nation reviewed the grant request based on the application and to go back now is not something that would be favorable and also forgoes a need that has already been identified. If Council would like to consider partnering with HOAs, similar to Cactus Park or other possible grant options, more half courts in HOA communities could certainly be pursued.

VIII. ADJOURNMENT

Meeting was adjourned at 7:45 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 September 19, 2017 and a quorum was present.



Sharon Antes, City Clerk