

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
14010 N. EL MIRAGE ROAD
6:00 P.M. TUESDAY, MAY 6, 2014**

Minutes

I. ROLL CALL

II. Present: Mayor Lana Mook, Vice Mayor Joe Ramirez, Councilmember Jim McPhetres, Councilmember Jack Palladino, Councilmember Lynn Selby, Councilmember David Shapera

Excused: Councilmember Roy Delgado (Arrived at 7:07 p.m.)

III. CALL TO ORDER

The meeting was called to order by Mayor Lana Mook at 6:01 p.m.

Pledge of Allegiance

Moment of Silence

IV. PROCLAMATION

P1 Proclamation to declare May 18-24, 2014 as National Public Works Week. (Public Works)

Deputy City Manager Larry Dobrosky explained the background for this proclamation stating the health, safety and comfort of a community greatly depends on the facilities and services provide by the Public Works department which includes such programs as water, sewers, environmental programs, streets and parks, facilities, fleet, information technology and customer service. The quality and effectiveness of these facilities, as well as their planning, design and construction, are vitally dependent upon the efforts and skill of public works officials.

Mayor Mook proclaimed "NOW, THEREFORE, the City of El Mirage proclaims May 18-24, 2014 as National Public Works Week." Mayor Mook called on all citizens and civic organizations to recognize the contributions of the Public Works staff who provide health, safety and a good quality of life for the Citizens of El Mirage.

V. 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.

No comment forms were received.

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 approving the minutes of the Regular Council Meeting held Tuesday, April 15, 2014 and the minutes of the Special Council Meeting held Tuesday, April 29, 2014. (City Clerk)
2. Consideration and action approving Resolution R14-05-12 to amend the previously approved August 26, 2014 Primary Election ballot language for clarification purposes. (City Clerk)
3. 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. §41-151.12. (City Clerk)
4. Consideration and action to approve the destruction of personnel records that have reached the end of their retention period as authorized under A.R. S. §41-151.12. (Human Resources)
5. Consideration and action to approve the destruction of Senior Center records that have reached the end of their retention period as authorized under A.R. S. §41-151.12. (Development & Community Services)

Vice Mayor Ramirez moved to approve Consent Agenda items 1 – 5 as presented; seconded by Councilor Palladino. Motion carried unanimously. (6/0)

VII. REGULAR AGENDA

- A. Public Hearing, closure of public hearing, followed by Council's consideration and action on a Conditional Use Permit request from Grace Church of Arizona for a Religious Assembly approval in a Rural Area zoning district at 13000 W. Wolfley Drive. (Development & Community Services)

GIS and Development Services Coordinator Jose Macias presented a PowerPoint Presentation regarding the fact this Conditional Use Permit meets the approval of the General Plan, Luke Air Force Base, the Technical Advisory Committee (TAC) and the Planning and Zoning Commission. Citizen's concerns voiced at the P&Z Commission Public Hearing on March 11, 2014 included site selection, traffic, parking and compatibility. The stub out for future sewer connections was also a concern. Staff recommends approval of the Conditional Use Permit. City Manager Dr. Isom advised that the sewer connection concern should be included in the motion if the Council desires that stipulation.

Mayor Mook asked about overflow parking and was advised by applicant, Pastor Mendivil that there are 70 spaces per code and they will not allow services to go to overflow, if such a need arose they could add a second service. They will not allow parking on the street.

Resident Cathy Henderson of 12921 Wolfley Drive state she was not informed a church was being considered. She further stated that the middle of a residential block is not the place for a church because the roads are not wide and the church and attendees would be better served if placed on an arterial.

Resident Michelle Eckhardt of 12728 W. Desert Cove stated she has lived in the Ranchettes for 13 years, is a current member of Grace Church (applicant) and is in favor of the church in the proposed location. She does not see any traffic issues and believes the church would be a good addition to the community.

Resident John Eckhardt of 12728 W. Desert Cove also expressed support and favor for the proposed project.

Andrew Mendivil, Associate Pastor of Grace Church, stated he believes Grace Church has a good partnership with other churches and schools in this area.

Resident Art Mendivil, of 12835 W. Varney Road, informed Council he is the older brother of Pastor Mendivil who was born on Alto Street and a life-long resident in El Mirage. He is very proud of his younger brother's accomplishments that include being a product of the El Mirage school system, serving as Director for Habitat for Humanity, and obtaining a Master and Doctorate degree in Ministry and Theology. While Mr. Mendivil recognizes the concerns that were raised, he stated Grace Church has much to offer the community and that the church will be sensitive to those concerns and handled positively.

Resided Robyn Freberg of 12520 W. Desert Cove stated he has lived in the Ranchettes for 43 years and believes traffic flow is a serious concern as evidenced by the amount of traffic resulting from other churches in the Ranchettes.

New Resident Kyle Dougherty of 13012 W. Wolfley Drive who just purchased the property adjacent to the proposed church site wanted to know how approving the church could impact the house he was planning to build on his property. He stated he is not necessarily against the church being built but has concerns relative to traffic flow, parking, events to be held and possible impact on his property value.

Alfredo Mendoza of 11201 W. Diana Avenue is a member of Grace Church and believes all traffic concerns can and will be addressed stating a church will have minimal traffic compared to another type of project which could have daily traffic. He further stated he believes the church will give back to the community and be a positive factor in that area.

There was general discussion and concern expressed over parking, access to the church from a main arterial and traffic flow as well as concern for maintenance of the property that abuts irrigation ditches that require cleaning.

Pastor Mendivil stated he understands the traffic concerns and will do whatever needs to be done to mitigate impact on the community; he stated a traffic analysis was performed and met standards. Art Mendivil also pointed out that the Planning and Zoning Commission recommended approval of the CIP to Council with a 5/0 vote.

Public Hearing closed at 6:45 P.M.

Councilor Shapera commented he recommended a stub out to be installed now, while under construction, which will provide for possible future connection to a sewer line. He further stated that parking can be managed with “No Parking” signs. Churches are allowed in the area, meet the code and are able to be flexible.

Vice Mayor Ramirez recognized the Dysart Ranchettes residents’ questions about the church location and acknowledged their parking concerns, but stated solutions are available to which the Pastor has expressed cooperation and believes the church will be a positive asset to the community.

Councilor McPhetres expressed concern with traffic because of the very narrow streets in the Ranchettes and suggested a compromise would be for the church to widen the road. He further questioned how landscaping of the property could affect the irrigation system in the long term and will the parking lights negatively impact the community.

Councilor Shapera responded that the zoning currently restricts lighting and requires down lighting and widening of the road is not feasible at this time.

Councilor Selby stated the parking problem can be resolved. In response to the question of impact on property values he stated sales are based on other sales (comps) and the timing of the sale; depending on the buyer, a church could increase the value.

Councilor Palladino stated any problems can be resolved between the Pastor and/or the City regarding communication.

Mayor Mook pointed out the Dysart Ranchettes are a unique area zoned for many kinds of uses. They can have animals not allowed in other city areas. Property values are increasing all over El Mirage. Being next to a church may not be a negative. Language can be added regarding the sewer and members of the church want to do what is best for the community. The City has excellent code enforcement. Sewer stipulations should be added to motion. Members should be encouraged to access from Dysart as much as possible.

Councilor Shapera moved to approve the Conditional Use Permit request from Grace Church of Arizona for a Religious Assembly approval in a Rural Area zoning district at 13000 W. Wolfley Dr. with the following stipulations required: (1) Installation of an access gate at the rear of the property, (2) installation of a sewer stub for future connection, and, (3) not allowing parking outside of the property or along the roadside; seconded by Vice Mayor Ramirez. Motion carried unanimously (6/0)

- B.** Council’s consideration and action to approve Ordinance O14-05-02 to amend/update the Zoning Code in Sections §154.050(A)(10), §154.065 and §154.032(C)(1) and to amend/update the Zoning Code Map. (Development & Community Services)

Jose Macias provided a PowerPoint Presentation explaining the changes to the Zoning Code as stated in the Council packet. Dr. Isom provided background explanation regarding John F. Long with a history time line and purpose of Ordinance change. The small parcel shown on this map was created by the development of Basin Park, is City owned property and will become commercial.

Councilor Palladino summarized his understanding that the recommendation was brought forward to correct a prior oversight and correctly identify the City-owned parcel; which was confirmed by Dr. Isom.

Councilor Delgado had been absent from the meeting until his arrival at 7:07 pm.

Vice Mayor Ramirez moved to approve Ordinance O14-05-02 to amend/update the Zoning Code in Sections §154.050(A)(10), §154.065 and §154.032(C)(1) and to amend/update the Zoning Code Map; seconded by Councilor Shapera. Motion carried unanimously (7/0).

- C. Public Hearing, closure of public hearing, followed by Council's consideration and action to approve Ordinance O14-05-03 amending the Zoning Code Section §154.126 (Definitions), and the Zoning Code Section §154.129(C)(12) (Regulations by Zone; Business and industrial zones; Billboards and other off-premises signs). (Development & Community Services)

Jose Macias presented the background and necessity for adding the definition of "Digital Board" to the Zoning Code and stipulations required for a digital board installation request that includes a Conditional Use Permit, no animation or videos, allowance for City PSAs at no cost (Public Service Announcements), 1,000 foot separation between signs, subject to Luke Air Force review and payment of a one-time fee of \$6,000.

There were no public comments.

Councilor McPhetres stated Arizona law states signs have to be turned off at 10:00 pm and he questioned the \$6,000 fee to be charged. Planning and Zoning did not include the shut off time as a local stipulation since state law dictates and was advised that all other stipulations, including the fee, are consistent with policies and best practices in other towns by Mr. Macias and Dr. Isom.

Vice Mayor Ramirez moved to approve Ordinance O14-05-03 to amend/update the Zoning Code in Sections §154.126 (Definitions), and Zoning Code Section §154.129(C)(12) (Regulations by Zone; Business and Industrial Zones; Billboards and other off-premises signs); seconded by Councilor Delgado. Motion carried (6/1). Nay vote cast by Councilor McPhetres.

- D. Public hearing, closure of public hearing, followed by consideration and action to approve Resolution No. R14-05-10 setting miscellaneous fees and service charges. (Finance)

Public Hearing opened at 7:21 p.m. Accounting Manager Christy Eusebio reported this was publicly noticed on March 4, 2014 to provide the 60-day notice. She reported cost recovery is the basis for most charges. Dr. Isom stated the fees for billboards just passed was not included in the notice and would be brought to Council for approval at a later date.

No public comments were received.

Councilor McPhetres questioned why the copying fees were so high in his opinion and was informed by Ms. Eusebio that the charge is based on the copier provider costs. He noticed the City Sales Tax Permit fee decreased but businesses are still required to have a City Business License. Finance Director Robert Nilles explained that City Sales Tax Permit fee is for an annual Arizona Department of Revenue TPT fee and that Business Licenses are separate from the State. Councilor McPhetres would like to see the recharge rate for Dysart Ranchettes stay status quo and questioned why properties with septic would not be considered replenishing. Ms. Eusebio reported the rate table was approved one year ago and is an established increase through the approved rate study. Councilor Delgado stated he has argued this point with Arizona Department of Water but told they cannot recognize a septic system as a form of recharge. Mayor Mook pointed out that only those not on a sewer system paid the recharge fee for the reason stated by Councilor Delgado and Vice Mayor Ramirez pointed out that Council had discussed and approved this fee in last year's budget process.

Councilor Shapera moved to approve Resolution R14-05-10 setting miscellaneous fees and service charges; seconded by Vice Mayor Ramirez. Motion carried unanimously (7/0).

VIII. CITY MANAGER SUMMARY OF CURRENT EVENTS

The City Council may not discuss or act upon any matter in the City Manager's summary unless the specific matter is properly noticed for legal action.

Public Relations Manager Amber Wakeman reported the Cinco de Mayo Special Event had approximately 550 participants who enjoyed the singing, dancing and food and a good time was had by all. Dr. Isom thanked Ms. Wakeman and Jeffrey Anderson for making traditional memories for El Mirage residents.

IX. 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 stated he witnessed the Parks & Sons bulk trash pickup process and was very impressed their efficiency.

Councilor Delgado apologized for being late reporting that as a member of the Dysart Education Foundation Board of Directors he was attending a ceremony and handing out awards and scholarships to students; he commented “the future of our country is in good hands.”

Vice Mayor Ramirez is very pleased with the recent resurfacing along Peoria Avenue adding that an abandoned home near his home has been purchased and greatly improved. He said El Mirage is a great place to live and he is encouraged that residents are willing to invest in their homes.

Mayor Mook attended the Elks’ Club Scholarship Awards last night and she agrees with Councilor Delgado that “our country is in good hands” from the representation of award recipients.

X. ADJOURNMENT

Mayor Mook adjourned the meeting at 7:30 pm.



Mayor Lana Mook

ATTEST:



Sharon Antes, City Clerk

I hereby certify the foregoing minutes are a true and accurate record of the City of El Mirage and Regular Council Meeting held May 6, 2014 and a quorum was present.



Sharon Antes, City Clerk