

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF EL MIRAGE  
EL MIRAGE CITY COUNCIL CHAMBERS  
14010 N. EL MIRAGE ROAD  
6:00 PM - TUESDAY, February 17, 2015**

**Minutes**

**I. ROLL CALL**

Present: Mayor Lana Mook, Vice Mayor Joe Ramirez, Councilmember Roy Delgado, Councilmember Bob Jones, Councilmember Jack Palladino, Councilmember David Shapera

Excused: Councilmember Lynn Selby

**II. CALL TO ORDER**

The meeting was called to order at 6:00 PM

Pledge of Allegiance

Moment of Silence

Silence Cell Phones & Pagers

**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.

Resident Tony Caiola stated he has two issues with the City. The first issue involves Code Enforcement. Since one of the staff members has left he believes the enforcement has suffered. He does not believe the City is doing anything in his neighborhood and as a result disabled vehicles and people parking in their yard are ongoing issues. The second issue involves the yellow flashing light at the Fire Station which he believes should be changed to red to be more effective; he stated he was nearly rear-ended and believes most people do not stop on the yellow but they would be more inclined to do so if the lights were red.

**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 approving the minutes of the Workshop and Regular Council Meeting held Tuesday, February 3, 2015. (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)

**Vice Mayor Ramirez moved to approve all items listed on the Consent Agenda with a correction to reflect the 2/3/15 meeting rather than the 2/17/15 meeting; seconded by Councilor Delgado including the correction. 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 kiosk (water & ice) in an urban corridor zoning district at 12420 W. Thunderbird Road. ( Development & Community Services)

Development and Community Services Director/City Engineer Jorge Gastelum showed a PowerPoint presentation explaining the purpose of the conditional use permit proposed to be located at the Mercado on Thunderbird Road. The water and ice vending machine will occupy approximately three parking spaces next to the existing landscaping west of Gentry Park. He showed the site plan and the appearance of the vending machines. The P&Z Public Hearing was held on January 13, 2015 and the P&Z Commission approved the conditional use permit with the one of three staff-recommended stipulations. They approved the stipulation requiring the applicant to address any utility connection issues prior to submitting final building plans but rejected staffs stipulations related to outstanding code enforcement compliance issues at the Mercado. Staff informed Council that several meetings with Management regarding outstanding code items have thus far not corrected the issues which are 1) obtaining a business license (application has been submitted but fee not yet paid), 2) repairing of the monument sign and 3) repair or removal of the block wall bordering the east side of the property.

**Councilor Shapera moved to convene into Executive Session at 6:09 PM; seconded by Vice Mayor Ramirez. Motion carried unanimously (6/0). Mayor Mook closed the Executive Session at 6:36 and reconvened into Public Hearing.**

There being no comments from the public, Mayor Mook closed the Public Hearing.

**Councilor Palladino moved to continue this matter until the next Council Meeting giving the owner time to repair or remove the wall, repair the monument sign and pay their business license. Once the owners have completed repairs, the staff can bring this matter back to the Council for approval; seconded by Councilor Delgado. Motion carried unanimously (6/0).**

Applicant and owner of the proposed water/ice company Greg Thielen was present at this meeting. Mayor Mook advised Mr. Thielen that the City is looking forward to having his business in the City of El Mirage and stated it is unfortunate he is being caught in the middle in this situation. In anticipation that this action will resolve the code compliance issues, she is hoping to see this issue brought back to the Council so they can move forward on his application and welcome his business to the City. Mr. Thielen stated he was not confident that the management would, in fact, make the corrections by the next meeting and had hoped to be treated as a separate facility by offering to bring in their own water, electrical and sewer; he does not believe the owner of the property is concerned enough to settle these issues. That said, he believes his business will provide a valuable service to the community and is looking forward to working with staff and Council to move forward.

- B.** Public hearing, closure of public hearing, followed by consideration and action to approve a conditional use permit for wireless communication facilities (small cell sites) at 12900 N 124<sup>th</sup> Lane, 12325 N B Street and 11006 N El Mirage Road, and authorize the City Manager to enter into a lease agreement for two sites.  
(Development & Community Services)

Development and Community Services Director/City Engineer Jorge Gastelum advised the three proposed site locations for the requested conditional use permit are 12900 N. 124<sup>th</sup> Lane (Buena Vista Park), 12325 N B Street (Arizona Brisas Park) and 11006 N. El Mirage Road (Sunset View Church). He stated concern had been expressed about placing the towers in a potential flood district but advised that the parks are not in the floodplain. Structures and lighting for all three sites were reviewed in a PowerPoint presentation. The P&Z Commission Public Hearing heard concerns expressed over potential hazardous microwaves but approved 5/0 to recommend the conditional use permit to Council.

Mayor Mook reiterated the floodplain issue does not create a problem and also stated that placement of new lights and cameras in Buena Vista Park has greatly reduced safety issues and vandalism. Chief Campbell confirmed and also stated he is not aware of safety or vandalism issues at Gateway Park.

Councilor Delgado asked if these three sites are approved, how many more requests are anticipated. Verizon representative Candace Sutherland-Mott reported two more sites are being considered but the quantity really depends on the need which is unknown for the future.

Councilor Jones asked if other carriers share one pole or only Verizon. Ms. Sutherland-Mott answered that for now they are only used by Verizon but work is underway on a prototype to allow for multiple carriers.

Resident Tony Caiola objected at the Planning and Zoning meeting and voiced his objection again at this public hearing because he stated nobody can tell him what hazards

there might be from these towers. They are not x-rays but microwaves and he believes the purpose is to make money over the potential health considerations of residents. He is concerned about more towers coming to El Mirage in the future.

Resident Julie Smith is not against cell towers per se but wants them relocated. Health hazards are unsubstantiated but evidence is mounting and safety is important. These towers are not in the best interest of the City, especially when located in parks near houses and where children play. She also believes the towers will decrease the value of homes. The City should be concerned about the health and safety of residents.

Mayor Mook closed the Public Hearing.

**Vice Mayor Ramirez moved to approve a conditional use permit for wireless communication facilities (small cell sites) at 12900 N. 124<sup>th</sup> Lane, 12325 N B Street and 11006 N. El Mirage Road, and authorize the City Manager to enter into a lease agreement for two sites; seconded by Councilor Palladino. Motion carried (5/1). Nay vote cast by Councilor Delgado.**

Councilor Shapera asked for clarification of the direction of the radio waves. Ms. Sutherland-Mott reported the radio waves go out rather than down to the ground.

- C. Consideration and action to adopt a notice of intent to add the Pavement Restoration Fee not sooner than 60 days from the date of posting the notice pursuant to A.R.S. § 9-499.15. (Development & Community Services)

Development and Community Services Director/City Engineer Jorge Gastelum explained El Mirage City Code § 151.009. This code makes reference to the charging of fees that require a 60-day notice prior to implementation for new fees. The City Code refers to a pavement restoration fee but does not define a fee amount. Once approved, this fee will be added to the City's Fee Schedule.

**Vice Mayor Ramirez moved to adopt a notice of intent to add the Pavement Restoration Fee not sooner than 60 days from the date of posting the notice pursuant to A.R.S. § 9-499.15; seconded by Councilor Shapera. Motion carried unanimously (6/0).**

- D. Public hearing, closure of public hearing, followed by consideration and action to approve Ordinance O15-02-03 amending the City Code §154.052 Permitted Uses by Zone, Medical Marijuana per A.R.S. (Development & Community Services)

Development and Community Services Director/City Engineer Jorge Gastelum presented City Code §154.052 regarding the separation distance between marijuana facilities. as regulated by the State of Arizona. Ordinance O14-07-06 currently states dispensaries require a distance of 1,500 feet between dispensaries and 5,280 feet between cultivation facilities. The proposed amendment would reduce the distance between dispensaries and cultivation facilities which is in line with State statutes regulating marijuana facilities.

The state allows one facility per zone and El Mirage has two zones with one dispensary currently in operation in El Mirage. This ordinance will also allow Building and Safety to have authority to protect the health and safety of residents.

Business Owner Jimmy Farley inquired about how to protect not just resident but also businesses located close to these facilities and was informed by the Mayor that this ordinance would provide stricter controls. Councilor Delgado asked if the City has the ability to require stricter filtering at an existing business where complaints had been received and was advised that the intent of the ordinance was not to grandfather such facilities from stricter abatement requirements but staff would check with other municipalities to how they handle current facilities.

Mayor Mook closed the public hearing.

**Vice Mayor Ramirez moved to approve Ordinance O15-02-03 amending the City Code § 154.052 Permitted Uses by Zone, Medical Marijuana per A.R.S.; seconded by Councilor Delgado. Motion carried unanimously (6/0).**

## VI. 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.

Dr. Isom reported that the El Mirage Magnificent Motors in the Park Classic Car Show will be held at Gentry Park, Saturday, February 28<sup>th</sup> from 10:00 AM to 2:00 PM. There will be fun for the whole family with a kid zone with bouncy houses, a kiddie train ride and FREE pony rides. Admission is FREE.

February's Farmers' Market will be held to coincide with the Classic Car Show Gentry Park from 10:00 AM to 2:00 PM on Saturday, February 28<sup>th</sup>.

He also reported that the 13<sup>th</sup> Annual MASTER GARDENERS Garden Tour will be held on Saturday, March 14<sup>th</sup> from 9:00 AM to 4:00 PM. The El Mirage Community Garden is the only public garden selected for this prestigious tour that includes six other private gardens. Tickets for the all-day event are \$25/person and can be purchased on-line at [RealGardensForRealPeople.com](http://RealGardensForRealPeople.com). The El Mirage Community Garden is the only public garden and admission is FREE for that portion of the tour.

The Community Uplift Program will be having a Spring clean-up on the weekend of March 20-21, 2015 to provide volunteer labor for landscaping, painting, and minor repairs to home owners or property residents who are elderly, disabled, or financially strapped. Applications are available at City Hall, El Mirage Fire Station, Dysart Community Center or on the City's web site and must be received by Monday morning, March 9, 2015. If interested in volunteering to assist in this program, please contact Councilor Selby at 623-876-2923 or Building Official Mary Dickson at 623-251-3508.

Dr. Isom also commented on Code Compliance in general. The City is in the process of working through the Capital Plan preparing for budget hearings. Staffing of three code enforcement officers has been reduced to two and the City is in the process of filling the vacant third position. He and Chief Campbell have discussed increasing the number of staff to a previous level of four and will be considering adding a fourth officer in the upcoming budget year.

**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.

Councilors Palladino and Delgado and Grants Administrator Pat Gregan attended the CDAC meeting and inquired about the hold up on release of granted funds for approved projects. CDAC advised that environmental reviews were the cause but the funds have now been released and the current project can move forward. The City will be presenting the next project, water lines down El Mirage Road, at the next CDAC meeting in late February.

**VIII. ADJOURNMENT –**

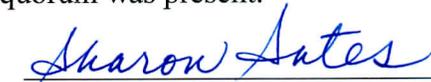
The meeting was adjourned at 7:17 PM.

  
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Lana Mook, Mayor

ATTESTED:

  
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Sharon Antes, City Clerk

I hereby certify the aforementioned minutes are a true and accurate record of the Regular Council Meeting held on February 17, 2015 and a quorum was present.

  
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Sharon Antes, City Clerk