

**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, March 3, 2015**

Minutes

I. ROLL CALL

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

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.

No public comment cards were received.

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 17, 2015. (City Clerk)

Vice Mayor Ramirez moved to approve all items listed on the Consent Agenda; seconded by Councilor Delgado. Motion carried unanimously (7/0).

V. REGULAR AGENDA

- A. Continuance from January 20, 2015 of the public hearing, closure of public hearing, followed by Council's consideration and action for GPA14-05-25, a major amendment to the 2010 General Plan, proposing to change Transit Oriented Development to Residential at the NW & NE corners of Grand Avenue and Thompson Ranch Road. (Development and Community Services)

Dr. Isom reported the City has been in discussions with the applicant and requests adjourning into Executive Session regarding this agenda item for legal counsel.

Vice Mayor Ramirez moved to convene into Executive Session at 6:05 PM; seconded by Councilor Delgado. Motion carried unanimously (7/0).

Vice Mayor Ramirez moved to close the Executive Session and to reconvene into regular session at 6:39 PM; seconded by Councilor Delgado. Motion carried unanimously (7/0).

Attorney Bob Hall explained a two-pronged legal issue; one matter concerns the applicant's General Plan Amendment application and public hearing before the City and the other matter is a civil litigation filed by the applicant at the Maricopa County Superior Court against the City. Negotiations on a possible settlement have been ongoing and as a result, the applicant's attorney is requesting a 30-day extension on the application request as well as filing a request to re-schedule oral arguments scheduled before the Superior Court in order to continue settlement negotiations. Mr. Hall recommended the request be approved so that if negotiations are not successful neither party has been disadvantaged and the applicant is given every opportunity to present to Council. Mr. Hall further referenced a letter, similar to previous extension requests that would be forthcoming (which was received during the Council meeting) and requested it be made a part of the minutes' record. The letter is as follows:

"Re: Major General Plan Amendment and Rezoning Request GPA 14-05-25, Thompson Ranch, and CV2014-012155 HERBERT and PATRICIA DREISESZUN, as Trustees of Trust dated January 29, 1986, and THOMPSON RANCH PARTNERSHP, an Arizona general partnership, Plaintiffs vs. CITY OF EL MIRAGE, an Arizona municipal corporation, Defendant ("207 Lawsuit").

Dear Mr. Hall:

As the authorized representative for Thompson Ranch Partnership (the "Partnership") with respect to the above-referenced Major General Plan amendment and rezoning applications, please accept this letter as a formal request for a continuance of these matters, which are currently scheduled for hearing before the Common Council of the City of El Mirage, ("Council") on March 3, 2015. The continuance is requested by the Partnership after consultation and coordination with City Staff to accommodate ongoing dialogue regarding a possible amendment to the above-referenced applications and to address potential

settlement of the related Proposition 207 lawsuit. The Partnership, after discussions with City Staff and its counsel, asserts that this continuance request is in full compliance with applicable statutory and City of El Mirage requirements for processing Major General Plan amendment and rezoning applications.

As such, we respectfully request that the public hearing before the Council be continued for a period of thirty (30) days. Additionally, the Partnership supports a thirty (30) day continuance of the currently scheduled March 12, 2015 oral argument for the 207 Lawsuit.

Should you have any questions regarding this request, please do not hesitate to call.

Sincerely, GAMMAGE & BURNHAM, (signed) Susan E. Demmitt”

Mayor Mook closed the Public Hearing.

Mayor Mook moved that Agenda Item V. A. be continued pursuant to the request by the applicant’s attorney for a 30-day period so that the parties can continue negotiations to find an acceptable solution to this application and a resolution of the judicial case now pending in the Maricopa County Superior Court; seconded by Vice Mayor Ramirez. Motion carried unanimously (7/0).

- B.** Continuance from February 17, 2015 of the 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 & Community Services Director/City Engineer Jorge Gastelum gave an overview of the outstanding stipulations continued from the past meeting. He reported two of the three stipulations for the conditional use permit have been completed with the only outstanding stipulation being repair to the monument sign.

Mayor Mook opened the Public Hearing. John Asher, representing the water and ice kiosk applicant, stated timing was an issue as they want to be open for summer business. He stated they had been in contact with the property manager and was assured the sign would be repaired but in order to move the approval of their conditional use permit forward, they were prepared to make the repairs if they could get approval from the Council on their CUP. Councilors Shapera, Selby and Delgado all asked questions regarding repair specifics to ensure the applicant was aware of the requirements. Mr. Asher believed the repairs related mostly to panel replacements and will work with the City to be sure the sign is brought into compliance and is safe; there were questions relative to possible exposed electrical wires although it was believed by all that the sign has not been illuminated for many years.

Mayor Mook closed the public hearing.

Mayor Mook moved to approve the conditional use permit upon successful repair of the sign in the parking lot and the City Manager on behalf of the Council can issue the permit as soon as panels are on both sides of the sign, with power being turned off until all repairs are made and are approved by the City Engineer and deemed safe; seconded by Vice Mayor Ramirez. Motion carried unanimously (7/0).

Councilor Shapera stated he agreed with the motion but stated when the panels go up it will be safe; he cannot remember the last time, if ever, the sign was illuminated.

Dr. Isom affirmed the motion requires the sign to be repaired, be in complete compliance with the City Code, and to be approved by the City Engineer prior to approval and allowing the applicant to move forward.

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 thanked staff for the Community Garden and Classic Car Show that took place last Saturday, stating in spite of the weather it was a hugely successful event.

City staff is currently working on the FY 2015-2016 Preliminary Budget. The process developed several years ago allows for smooth progress and the budget will continue to focus on "needs, not wants."

Dr. Isom also commended the Public Works and Engineering Departments for collaborating on the new lighting project at Basin Park. Staff stayed late and worked hard to install the solar lights and saved the City considerable money by completing the project in-house.

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 Delgado reported he missed the recent CDAC meeting but was advised by co-member Councilor Palladino that Grants Administrator Pat Gregan and Assistant City Engineer Chris Hauser provided a fantastic presentation in applying for CDBG funding. Councilor Delgado advised the reason he missed the CDAC meeting was because he has been appointed to the YMCA Board of Managers and was attending that meeting.

Councilor Palladino confirmed that Ms. Gregan and Mr. Hauser did a fantastic presentation at the CDAC meeting in applying for the next round of funding for a CDBG project.

Vice Mayor Ramirez thanked staff for the Basin Park lighting. He is especially pleased with the great cost savings and very much appreciates staff involvement.

Mayor Mook asked Deputy City Manager Larry Dobrosky if he had pictures and was advised that he will have pictures and an article for the next newsletter.

Councilor Jones expressed pleasure that the new lighting installation completes Basin Park and stated staff did an excellent job on the project.

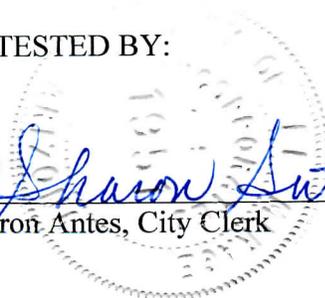
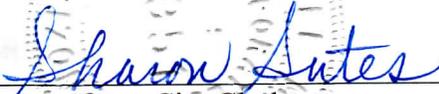
VIII. ADJOURNMENT

Meeting was adjourned at 7:05 PM.



Lana Mook, Mayor

ATTESTED BY:

Sharon Antes, City Clerk

I hereby certify the aforementioned minutes are a true and accurate record of the El Mirage City Council Meeting held March 3, 2015; and a quorum was present.



Sharon Antes, City Clerk