

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE MUNICIPAL COURT
14010 N. EL MIRAGE ROAD
6:00 P.M., THURSDAY, JANUARY 11, 2007**

Minutes

- I. **CALL TO ORDER** – The meeting was called to order by Mayor Fred Waterman at 6:00 p.m. Council led the public in the Pledge of Allegiance and a Moment of Silence.

- II. **ROLL CALL** – Present were: Mayor Fred Waterman, Vice Mayor Michele Kern, Councilor Xavier Bedolla, Councilor Roy Delgado, Councilor Roger Cleveland, Councilor Bill Conner, Councilor Adam Super, City Manager B.J. Cornwall, Attorney Fredda Bisman, City Engineer Chris Young, Assistant Police Chief Ken Holmes, Fire Battalion Chief Brian Hopper, Finance Director Larry Price, City Clerk Edith Hoover. Absent: Fire Chief Scott Alvord

- III. **CONSENT AGENDA**
 1. **Consideration and action approving the Regular Council minutes of December 14, 2006.**

 2. **Consideration and action regarding the second reading of Ordinance No. O06-11-20, relating to the Privilege License Tax; adopting “The 2007 Amendments to the Tax Code of the City of El Mirage” by reference; establishing an effective date; providing for the severability and providing penalties for violations.**

 3. **Consideration and action to approve the destruction of records which have surpassed their retention period as determined by the Arizona State Library, Archives and Public Records – Records Management Division.**

 4. **Consideration and action amending the Memorandum of Understanding, 2006-2009 between the City of El Mirage and the El Mirage Fire Fighters Association (EMFFA) Chapter of the Northwest Valley Firefighters Local 4361.**

 5. **Consideration and action regarding the approval of a Professional Services Contract with Jan Fontana, dba Kay Consulting for Fire Code Plan Review Services.**

Councilor Delgado made a motion to approve the items on the Consent Agenda; seconded by Councilor Super.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Kern, Super, Waterman
Nay:
Motion: Carried

IV. MAYOR'S COMMENTS

Mayor Fred Waterman said that the new Court facility is very nice and he is proud to have it in the City of El Mirage.

V. REGULAR AGENDA

- A. Consideration and action regarding convening into Public Hearing for the purpose of hearing public comment regarding an Acquisition of Control by Lia Tran for the liquor license for Star Mini Mart, 11817 W. Thunderbird Rd., El Mirage, AZ 85335.**

The applicant has requested that this item be continued at the next Council meeting on January 25, 2007.

Vice Mayor Michele Kern made a motion to continue items A, B, and C to the next Council meeting on January 25, 2007; seconded by Councilor Conner.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Kern, Super, Waterman
Nay:
Motion: Carried

- B. Consideration and action regarding closing the Public Hearing and reconvening into Regular Session.**

- C. Consideration and action regarding Acquisition of Control by Lia Tran for the liquor license for Star Mini Mart, 11817 W. Thunderbird Rd., El Mirage, AZ 85335.**

- D. Consideration and action regarding opening public hearing on zoning cases:**

Councilor Super made a motion to open the public hearing on zoning cases; seconded by Councilor Bedolla.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Kern, Super, Waterman
Nay:
Motion: Carried

1. Request for a 2,668 sq. ft. garage/game-room in R-43/75 db at 10840 N. 125th Ave.

Councilor Delgado recused himself from zoning item number 1 due to living in close proximity of the applicant.

Elida Traslavina, 10840 N. 125th Ave., El Mirage, Arizona. Elida stated that she lives in the Dysart Ranchettes and she has plenty of space by width and length to add the garage/game-room.

2. Request for a plumbing contractor's yard in I-2/65 db at 8625 N. 125th Ave. [Revised]

George Gotses, agent for owner, 4518 N. 12th St. Phoenix Arizona. George stated that the revision includes adding landscaping between the confines of the yard walls. This landscaping is on top of the minimum standards.

E. Consideration and action on closing public hearing on zoning items.

Councilor Conner made a motion to close the public hearing on zoning items; seconded by Vice Mayor Michele Kern.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Kern, Super, Waterman
Nay:
Motion: Carried

F. Consideration and action on request by George & Elida Traslavina for conditional use permit to allow a 2,668 sq. ft. garage/game-room in R-43/75 db at 10840 N. 125th Ave.

Vice Mayor Michele Kern requested "confirmation that although this is a larger than what normal facilities call for, even with building this additional facility, along with the home, along with the proposed gazebo, they will only be using 10.5% of their property and 89.5% is still going to sit vacant."

Vice Mayor Michele Kern made a motion to approve; seconded by Councilor Cleveland.

VOTE: Yea: Bedolla, Cleveland, Conner, Kern, Super, Waterman
Nay:
Abstain: Delgado
Motion: Carried

G. Consideration and action on request for site plan approval for a plumbing contractor's yard in I-2/65 db at 8625 N. 125th Ave. in Luke Industrial Park. [Revised & Re-submitted]

Councilor Cleveland made a motion to approve; seconded by Councilor Delgado.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Kern, Super, Waterman
Nay:
Motion: Carried

H. Consideration and action regarding convening as the Board of Adjustment to consider a requested variance from the Zoning Ordinance.

I. Consideration and action regarding closing the public hearing of the Board of Adjustment and reconvening as the Board of Adjustment.

J. Consideration and action regarding a request by Royal Sign Co., agent for Barnett Management for a variance to allow a 20' high (vs. 16') freestanding sign and 6' ht. (vs. 5') menu boards in I-2/65 db for proposed Burger King located at 12280 W. Olive Ave. [NEC of Olive Ave. & El Mirage Rd]

K. Consideration and action regarding closing the Board of Adjustment and reconvening into Regular Session.

Councilor Super made a motion to continue items H, I, J, and K to the next City Council meeting on January 25th, 2007; seconded by Councilor Conner.

Vote: Yea: Bedolla, Cleveland, Conner, Delgado, Kern, Super, Waterman
Nay:
Motion: Carried

VI. COUNCIL SUMMARY OF CURRENT EVENTS

Councilor Conner said that on December 5th thru the 9th he flew to Reno, Nevada to attend the National League of Cities Conference on behalf of the City of El Mirage.

The conference consisted of workshops that were designed to give insight into how cities, large and small, are tackling certain issues such as local autonomy, taxation, franchise issues, and natural disaster preparedness.

Councilor Conner stated that the City of El Mirage has strived to remain represented on a State as well as a National level.

A few other workshops attended by Councilor Conner were Community Development, Community Finance, Public Private Partnerships and Construction of Inclusive Communities.

VII. CITY MANAGER SUMMARY OF CURRENT EVENTS

City Manager BJ Cornwall would like to commend everyone who helped with the construction of the new Court facility. It was completed within the time frame scheduled and also within budget.

Wal-Mart has backed up its opening date until July 1st. This has nothing to do with the City of El Mirage but it's rather due to the fact that Wal-Mart is having problems with their contractors and getting supplies for the infrastructure improvements.

A site plan has been submitted for review of eight retail pads at the Southeast corner of Cactus and El Mirage Rd.

BJ Cornwall stated that the City received a violation notice several years ago and a consent order was put upon the City by Arizona Department of Environmental Quality. The City has met all criteria of the original violation and the consent order has been lifted.

The nine HOA's will be meeting tonight at City Hall discussing issues that affect all of the HOA's.

City Manager BJ Cornwall wished everyone a happy New Year and said that 2007 is going to be a great year for the City of El Mirage.

VIII. CALL TO THE PUBLIC

Judge Michael Lester said that the Court system appreciated the funding for the new Court facility. It turned out fantastic and it will be a real benefit to serve the citizens of El Mirage.

Judge Michael Lester thanked Chris Young, Sharon Antes, Art Swanson, and Pat Timlin for all of their help in making the project a success.

Barbara Somsen, 12906 W. Voltaire Ave. El Mirage, Arizona.

Barbara said that several weeks ago her husband witnessed a crime and tried calling the Police Department but there was no response. Barbara was concerned so she called the Police Department from her home. She stated it took them 20 minutes to answer the phone.

Angie Hernandez, 11718 W. River Rd. El Mirage, Arizona.

Angie said that a week before Christmas, a couple of men and women were drinking and they came onto her property. She called the Police and it took them about two hours to respond.

Melissa Galindo, 14213 N. 5th Ave. El Mirage, Arizona.

On Christmas morning, December 25th at approximately 3:00 a.m., a vehicle drove into her front lawn just missing the house and destroying the landscape. A call was placed to the Police Department at 3:10 a.m. She said that an officer showed up 35 minutes later. Melissa asked the officer if it was a busy night. He stated that it had been a slow night.

Mary Izaquirre, 13505 S. El Frio St. El Mirage, Arizona.

Mary has a problem with the Police dispatch system. There must not be enough dispatchers because calls are not being answered. Mary called from the school with a non-lifethreatning issue. She said the call was originally dropped. It took twenty minutes for the officer to arrive but roughly forty-five minutes to get the call connected. This is dangerous to the officers and the residents.

Monica Dorcey, 12414 W. Bloomfield Rd. El Mirage, Arizona.

Monica said that the police department system is broken. Monica said that these are life and death issues and the system needs to be fixed.

Linda Kleiner, 12314 N. 127th Lane. El Mirage, Arizona.

Linda said that the City of El Mirage needs to go forward with the lawsuit. Linda stated that she received a call from Glendale asking the City of El Mirage if they could join the Together Against Graffiti program (T.A.G.)

Linda said that she believes that the El Mirage Police Department is doing a great job and the new court facility is outstanding.

IX. EXECUTIVE SESSION

Discussion and consultation for legal advice and to consider the City's position and instruct its attorneys regarding pending litigation, including the possible filing of an appeal: City of El Mirage v. City of Glendale, CV 2005-009579. A.R.S. 38-431.03(A)(3) and (4).

Councilor Conner made a motion to go into executive session; seconded by Councilor Super.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Kern, Super, Waterman
Nay:
Motion: Carried

Councilor Super made a motion to close the executive session and convene into regular session; seconded by Vice Mayor Michele Kern.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Kern, Super, Waterman
Nay:
Motion: Carried

REGULAR SESSION

L. Consideration and action regarding filing of appeal in pending litigation: City of El Mirage v. City of Glendale, CV 2005-009579.

Councilor Conner made a motion to file an appeal; seconded by Councilor Cleveland.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Kern, Super, Waterman
Nay:
Motion: Carried

X. ADJOURNMENT

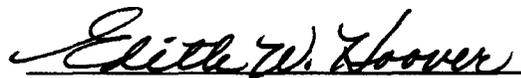
Vice Mayor Michele Kern made a motion to adjourn at 6:56 P.M.; seconded by Councilor Super.


Fred Waterman, Mayor

ATTEST:


Edith W. Hoover
Edith W. Hoover, City Clerk

I hereby certify the foregoing minutes are a true and accurate record of the City of El Mirage Regular Council Meeting held on January 11, 2007 and a quorum was present.


Edith W. Hoover
Edith W. Hoover, City Clerk