

**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, MARCH 8, 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, Councilmember Xavier Bedolla, Councilmember Roger Cleveland, Councilmember Roy Delgado, Councilmember Adam Super, Councilmember William Conner, City Manager BJ Cornwall, Attorney Fredda Bisman, City Engineer Chris Young, Police Chief Ken Holmes, Finance Director Larry Price, Community Development Director George Flores, Human Resources Director Toni Brown, Technology Services Director Pat Timlin, City Clerk Edith Hoover. Excused: Fire Chief Scott Alvord.

**III. CONSENT AGENDA**

Mayor Fred Waterman removed Consent Agenda item number one (1).

- 1. Consideration and action to approve Council Minutes of March 9, 2006.**
- 2. Consideration and action to approve Regular Council Minutes of February 8<sup>th</sup> and February 22<sup>nd</sup>, 2007.**
- 3. Consideration and action to appoint Trent Kubasiak to the Police Public Safety Retirement System Board and the Firefighter Public Safety Retirement System Board.**
- 4. Consideration and action to appoint Judge Lex Anderson; Judge Douglas Rayes; Attorney Terrance Mead, Mead & Associates, P.C., Maricopa County Bar Association; Citizen Mike Barvitz; Citizen Ralph Reaser and Citizen Randy Thomas to the Judicial Selection Advisory and Review Board.**

Councilor Delgado made a motion to approve Consent Agenda items 2, 3, and 4; seconded by Councilor Conner.

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

**IV. MAYOR'S COMMENTS**

Mayor Fred Waterman said that the T.A.G. program has been nationally recognized and one of the first cities outside of Arizona to adopt the program was Independence, Missouri.

**V. REGULAR AGENDA**

**A. Presentation of the Oath of Office to the Junior Councilmember for the month of March by Councilor Adam Super.**

Councilor Super thanked Dr. Joel Davidson, Principal of El Mirage Elementary School, and presented him with a certificate for his support of the program.

Councilor Super gave the Oath of Office to Jonathan Jones and Leticia Aldaco as Junior Councilmembers for the month of March.

**B. Consideration and action regarding convening into the Board of Adjustment and into Public Hearing to consider a requested administrative appeal from the decision of the Zoning Administrator.**

Vice Mayor Michele Kern made a motion to convene into the Board of Adjustment and into Public Hearing to consider a requested administrative appeal; seconded by Councilor Super.

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

Community Development Director George Flores stated that Charles Hendershot and Lori Leek have requested a secondary access gate to their property in order to provide for recreational vehicle parking.

Mr. Hendershot exclaimed that he wants to add the secondary access gate in order to store his bass boat.

Councilor Conner asked Mr. Hendershot whether or not he has received a copy of a phone conversation from Mr. Baker who has some issues with granting a gate due to the current zoning ordinances.

Mr. Hendershot said that other individuals have secondary gate access and that his yard is large enough to accommodate the extra gate.

**C. Consideration and action regarding closing the Public Hearing of the Board of Adjustment regarding an administrative appeal concerning secondary access [vehicle gate] at 12608 NW Main St.**

Councilor Super made a motion to close the Public Hearing of the Board of Adjustment; seconded by Vice Mayor Michele Kern.

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

**D. Consideration and action on administrative appeal by Charles Hendershot and Lori Leek from the decision of the zoning administrator to deny a secondary access [vehicle gate] on the opposite side of the lot from the driveway and garage at 12608 NW Main St. in R-1a/PAD/65db.**

Vice Mayor Michele Kern made a motion to approve the appeal of the denial, allowing the applicants to have a secondary access gate on their property; seconded by Councilor Cleveland.

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

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

Councilor Delgado made a motion to close the Board of Adjustment and reconvene into Regular Session; seconded by Councilor Bedolla.

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

**F. Consideration and action on opening a Public Hearing on zoning request for site plan amendment to allow an 8-car auto sales lot at the Mercado El Mirage Indoor Swap Meet at 12420 W. Thunderbird Rd.**

Councilor Bedolla made a motion to open a Public Hearing on site plan amendment; seconded by Councilor Delgado.

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

Community Development Director George Flores said that Mr. Garcia is requesting an amendment of the site plan to provide for parking of vehicles which will be brokered at the site.

Javier Garcia 12915 N. Palm St., El Mirage

Javier Garcia said that he is requesting an amendment of the site plan in order for him to showcase/sell vehicles at 12420 W. Thunderbird Rd which will better enable him to continue providing activities for children and the community as well as maintain his own business.

Councilor Delgado asked Javier Garcia how much sales tax he charges on automobile sales. Javier answered 9.03%.

**G. Consideration and action on closing the Public Hearing on zoning item.**

Councilor Conner made a motion to close the Public Hearing on zoning item; seconded by Councilor Super.

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

**H. Consideration and action on request by Javier Garcia for site plan amendment to allow an 8-car auto sales lot in B-3/65db at Mercado El Mirage Indoor Swap Meet at 12420 W. Thunderbird Rd.**

Vice Mayor Michele Kern made a motion to deny the request; seconded by Councilor Conner.

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

**I. Consideration and action to convene into Public Hearing for the purpose of hearing public comment regarding an Acquisition of Control and Agent change for Lia Tran for the Star Mini Mart, 11817 W. Thunderbird Rd., El Mirage.**

Councilor Delgado made a motion to convene into Public Hearing; seconded by Councilor Conner.

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

Police Chief Ken Holmes said that the background check on the applicant has been completed and there is no reason for a denial of the application.

Councilor Conner questioned whether or not there is a restriction on the sharing, as public information, the results of the ACIC or AFAS searches.

Police Chief Ken Holmes said that there was a little bit of a delay in receiving the results of the background check due to the Ordinance that was passed in October which stated that both legal council for the FBI and legal council for DPS needed to complete the background check.

**J. Consideration and action to close the Public Hearing and reconvene into Regular Session.**

Councilor Super made a motion to close the Public Hearing; seconded by Vice Mayor Kern.

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

**K. Consideration and action regarding an Acquisition of Control for Lia Tran for Star Mini Mart, 11817 W. Thunderbird Rd., El Mirage.**

Vice Mayor Michele Kern made a motion to approve the Acquisition of Control for Lia Tran; seconded by Councilor Cleveland.

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

## **VI. COUNCIL SUMMARY OF CURRENT EVENTS**

Councilor Delgado said that last week, he and other staff put on a presentation for CDBG and received \$500,000 to improve Primrose St. as well as an additional \$250,000 to assist with home renovations and home buying. Councilor Delgado thanked everyone who helped with preparing and putting on the presentation.

Councilor Conner said that he met with representatives from the office of the Governor two weeks ago and that he will have a report for next meeting.

Mayor Fred Waterman thanked Councilor Super for putting together the Junior Council program.

## **VII. CITY MANAGER SUMMARY OF CURRENT EVENTS**

City Manager BJ Cornwall said that the City will be having a City-wide clean up on March 17 at the Southeast corner of El Mirage and Thunderbird.

BJ Cornwall congratulated George Flores for receiving the John J. Dubolski Professional Excellence Award for his dedicated service to the City of Phoenix, his profession and the Association.

BJ Cornwall introduced the new Public Works Director Lance Calvert and welcomed him to the City.

The City of El Mirage has received a pre-application for the corner of El Mirage and Cactus to convert the space into a retail complex.

City Manager BJ Cornwall introduced David Lewis, President and CEO of the Northwest Chamber of Commerce.

President David Lewis said that he is looking forward to working with the businesses in El Mirage.

BJ Cornwall exclaimed that he is very pleased to see the Junior Councilmembers get involved with the City.

City Manager BJ Cornwall thanked the staff and Councilor Delgado for the work that they did to obtain funds for Primrose St. and housing improvements.

**VIII. CALL TO THE PUBLIC**

No forms submitted.

**IX. EXECUTIVE SESSION**

No Executive Session has been requested.

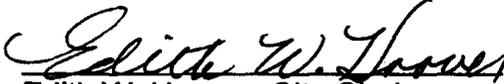
**X. ADJOURNMENT**

Councilor Conner made a motion to adjourn at 6:38 p.m.; seconded by Councilor Cleveland.

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

  
Fred Waterman, Mayor

ATTEST:

  
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 March 8, 2007 and a quorum was present.

  
Edith W. Hoover, City Clerk