

**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, August 23, 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, Councilor Xavier Bedolla, Councilor Bill Conner, Councilor Roger Cleveland, Councilor Roy Delgado, Councilor Adam Super. Absent: Vice Mayor Michele Kern.

Present were: City Manager BJ Cornwall, City Attorney Rick Flaaen, Deputy Police Chief Bill Hindman, Fire Chief Scott Alvord, Finance Director Larry Price, Community Development Director George Flores, Human Resources Director Toni Brown, Technology Services Director Pat Timlin, Public Works Director Lance Calvert, City Clerk Richard Saathoff.

III. **CONSENT AGENDA**

Councilor Super asked to remove Consent Agenda item number one and move it to the Regular Agenda.

1. **Consideration and action approving the Minutes of the Regular Council Meeting held Thursday, June 28, 2007.**
2. **Consideration and action approving the Minutes of the Regular Council Meeting held Thursday, July 12, 2007.**
3. **Consideration and action to approve Resolution No. R07-08-20, adopting the City of El Mirage Owner Occupied Housing Rehabilitation Program and Owner-Occupied Housing Emergency Repair Program Procedures.**

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

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

IV. MAYOR'S COMMENTS

Mayor Fred Waterman stated that the League of Arizona Cities and Towns will take place on August 29-31 in Scottsdale and a few Councilmember's will be in attendance.

V. REGULAR AGENDA

1. Consideration and action approving the Minutes of the Regular Council Meeting held Thursday, June 28, 2007.

Councilor Super said that under item "D" he is listed as a "Nay" vote but he is fairly certain that he voted "Yay". He would like the official record to display this change.

Councilor Super made a motion to correct item D and change his vote to "Yay"; seconded by Councilor Conner.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

A. Presentation of the Oath of Office to Firefighter Joseph Rivera.

B. Consideration and action to open a public hearing to hear a request for a liquor license from Greta Andrade, Mariscos La Carreta, 12006 W. Thunderbird.

Councilor Super made a motion to open a public hearing; seconded by Councilor Conner.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

Deputy Police Chief Bill Hindman said that the background investigation is complete and feels that there is no reason to deny the liquor license.

C. Consideration and action to close a public hearing.

Councilor Super made a motion to close the public hearing; seconded by Councilor Conner.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

D. Consideration and action regarding making a recommendation to the Arizona Department of Liquor Licenses & Control on the request from Greta Andrade, Mariscos La Carreta, 12006 W. Thunderbird.

Councilor Super made a motion to recommend approval for a liquor license for Greta Andrade, Mariscos La Carreta, at 12006 W. Thunderbird; seconded by Councilor Conner.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

E. Consideration and action regarding the adoption of Resolution No. R07-08-19, Authorizing the sale and issuance of GADA General Obligation Bonds not to exceed \$1,145,000, an emergency is being declared.

Finance Director Larry Price stated that the GADA loan in the amount of \$1,145,000 will be used to pay for the remaining balance of FY 07-08 Streets Capital Improvement Projects. The project earmarked for the GADA loan is the Thunderbird Road mill and overlay project from Grand Avenue to the eastern boundary of the Wal-Mart property, and including the Dysart/Thunderbird intersection.

An emergency is being declared because the City of El Mirage along with four other communities are working with GADA to secure the bond sale and GADA wished to have the approval from the Councils completed once they received the resolution.

Councilor Conner asked if this is related to the Feds discount of the overnight rate from last week or is it a prime time to go out into the market for bonds?

Finance Director Larry Price stated that GADA wants the emergency clause so that they can react to the market without having to wait until a later date.

Councilor Delgado made a motion to approve R07-08-19, authorizing the sale and issuance of GADA General Obligation Bonds; seconded by Councilor Conner.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

F. Consideration and action to opening a public hearing on rezoning items:

- (1) Rezoning and plat for El Mirage Industrial Park.**
- (2) Rezoning and site plan for Desert Oasis Retail Center**

Councilor Super made a motion to open a public hearing on rezoning items; seconded by Councilor Bedolla.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

Community Development Director George Flores said that Manhard Consulting requested rezoning from R-1 to I-2 plus site plan and 12-lot preliminary plat for el Mirage Industrial Park located east of El Mirage Road one-half mile south of Peoria Avenue.

The request will allow development of a new industrial park and roadway connection between El Mirage Road and 121st Avenue.

Staff recommends approval.

Councilor Delgado asked whether or not the road improvements will be done before the project starts.

Community Development Director George Flores said that the right-of-way improvements are a required part of the development process.

Jim Talbert from Manhard Consulting said that his understanding is that they

Will be paying the City for the improvements and they will be put in when the City chooses to do so.

City Engineer Chris Young stated that one of the difficulties of the previous project was that the existing 12 inch line went all the way across the road and in order to maintain traffic on El Mirage Rd, the project had to be completed in segments.

Community Development Director said that the second item for consideration is the site plan/plat approval for Desert Oasis Retail Center at the Southeast corner of Cactus Road and El Mirage Road.

The request will allow development of a new retail center and other commercial development on this presently vacant arterial corner.

The Planning and Zoning Commission recommended approval subject to stipulations.

G. Consideration and action to close the public hearing on zoning items.

Councilor Conner made a motion to approve the rezoning items; seconded by Councilor Bedolla.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

H. Consideration and action amending zoning from R-1 to I-2 in 65 & 70 db on 19 acres east of El Mirage Road and ½ mile south of Peoria Avenue.

Councilor Super made a motion to amend the zoning; seconded by Councilor Conner.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

I. Consideration and action on a request for preliminary plat and site plan approval for El Mirage Industrial Park.

Councilor Delgado made a motion to approve the preliminary plat and site plan for El Mirage Industrial Park with the stipulation that the improvements will be done in a timely manner so as to not hold up traffic; seconded by Councilor Cleveland.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

J. Consideration and action amending zoning for R-4 to B-3 in 70db on 10.4 acres at the southeast corner of Cactus and El Mirage Roads.

Councilor Super made a motion to approve the rezoning; seconded by Councilor Conner.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

K. Consideration and action on a request for preliminary plat and site plan approval for Desert Oasis Retail Center.

Councilor Conner made a motion to approve the site plan for Desert Oasis Retail Center; seconded by Councilor Delgado.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

VI. COUNCIL SUMMARY OF CURRENT EVENTS

Councilor Conner said that on August 15, 2007, he and the City of El Mirage Intergovernmental Relations Director Pat Dennis attended the Arizona League of Cities and Towns Legislative Recap.

A list of Bills that will be impacting the City once they take effect are on the Arizona League of Cities and Towns website.

Councilor Super stated that he received 40 Arizona Diamonbacks tickets from Jean Blackman from APS for use with the Junior Councilmember program and thanked APS for doing so.

Councilor Super said that the deadline has been extended until September 15 for applicants that would like to sit in on the Administrative Procedures Committee.

Councilor Super exclaimed that he would like to see a City of El Mirage logo developed and has opened up suggestions to anyone within the City of El Mirage community.

VII. CITY MANAGER SUMMARY OF CURRENT EVENTS

City Manager BJ Cornwall introduced and welcomed new City Attorney Rick Flaaen.

The City of El Mirage received a letter from the Water Infrastructure Finance Authority of Arizona in regards to the underground storage facility. The project has been awarded "Best Wastewater Water Financial Assistance Project of the Year" by the Water Infrastructure Finance Authority of Arizona Board of Directors for funding cycle 2006.

The police department recruitment process is going extremely well. The City has received 20 applications for lateral transfers for patrol officers, 18 applications for lateral seargant, and 13 applications for lateral lieutenants.

City-wide bulk clean up will be held on Saturday, September 22 at the corner of Thunderbird and El Mirage Roads.

The Glendale brief has been submitted in regards to the strip annexation lawsuit.

Several council meetings ago, there was a stipulation regarding a roads project in which the City awarded a bid to Banicki Construction that stated that City Manager BJ Cornwall was to give an update about the project. City Manager BJ Cornwall said that Council approved the project with an amount up to \$425,000. The engineers estimate was \$328,000. The final cost of the project came to \$267,575.82.

City Manager BJ Cornwall said that the City of El Mirage was voted as a finalist by the National League of Cities and Towns for an award for municipal excellence regarding the cities T.A.G. (Together Against Graffiti) program.

City Manager BJ Cornwall thanked Linda Kleiner for all of her hard work and dedication to the T.A.G. program.

Winners chosen from the finalist will take place in September. Two winners, gold and silver, will be chosen and will be officially announced at the Congress of Cities and expositions in New Orleans, November 13 -17.

The school district is moving forward with the Las Brisas school site. They are currently in negotiations with the state of Arizona for funding. If the state is not going to fund it, the Dysart School District will be funding the school.

VIII. CALL TO THE PUBLIC

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

The T.A.G. program received a \$15,000 RICO grant from the County Attorney. That is \$10,000 more that what they gave the City last year.

Linda Kleiner said that she is currently unhappy with the T.A.G. program. She feels that there has been a large increase of graffiti within the City and there haven't been any arrests for the past five months.

Linda Kleiner asked to have her name removed from the T.A.G. program.

IX. EXECUTIVE SESSION

Consideration and action on adjourning into an executive session for the purpose of: (1) receiving legal advice from the City's Attorney regarding the recruitment and appointment of a Presiding City Judge for the El Mirage City Court; (2) conducting interviews of candidates for the position of Presiding City Judge; and, (3) discussing and considering the appointment of a Presiding City Judge for the El Mirage City Court. [A.R.S. §38-431.01(A)(1) and (3)]

Councilor Delgado made a motion to adjourn into an executive session; seconded by Councilor Super.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

X. RECONVENE INTO REGULAR SESSION

Councilor Super made a motion to reconvene into Regular Session;
seconded by Councilor Bedolla.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

L. Consideration and action regarding the appointment of a Presiding Judge for the El Mirage City Court.

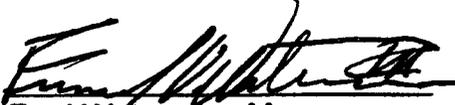
Councilor Conner made a motion to appoint Mr. Mapp as the presiding Judge
For the El Mirage City Court; seconded by Councilor Super.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

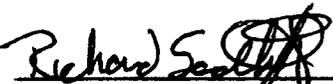
XI. ADJOURNMENT

Councilor Delgado made a motion for adjournment at 7:54 p.m.; seconded by
Councilor Super.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Super, Waterman
Nay: none
Absent: Kern
Motion: Carried

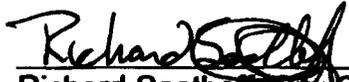

Fred Waterman, Mayor

ATTEST:


Richard Saathoff, City Clerk

Regular Minutes 8/23/07
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I hereby certify the foregoing minutes are a true and accurate record of the City of El Mirage Regular Council Meeting held on August 23, 2007 and a quorum was present.


Richard Saathoff, City Clerk