

**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, NOVEMBER 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, Councilor Xavier Bedolla (via teleconference), Councilor Bill Conner, Councilor Roy Delgado, Councilor Adam Super. Excused: Councilor Roger Cleveland.

Staff present were – City Manager B.J. Cornwall, Assistant City Manager Spencer Isom, City Attorney Rick Flaaen, Police Chief Michael Frazier, Acting Fire Chief Darrell Rezendes, 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**

Mayor Waterman removed item number one (1) from the Consent Agenda and moved it to the Regular Agenda to be voted on separately.

1. **Consideration and action approving the Minutes of the Regular Council Meeting held Thursday, October 25, 2007.**
2. **Consideration and action approving Resolution R07-11-27 authorizing a WIFA loan in the amount of \$6,000,000 and authorizing all required documents to secure the loan, an emergency is being declared.**
3. **Consideration and action approving Resolution R07-11-26 approving the Final Plat of Thompson Ranch Phase 4.**
4. **Consideration and action requesting the approval of three (3) critical non-sworn positions within the Police Department.**
5. **Consideration and action canceling the second Council meeting for the month of November 2007.**

6. **Consideration and action giving signature authority to the City Manager to sign Professional Services Contract with NFra, Inc in the amount of \$94,575.00 plus a 10% contingency, for a total of \$104,032.50**
7. **Consideration and action giving signature authority to the City Manager to sign Professional Services Contract with Entellus, Inc in the amount of \$171,804.00 plus a 10% contingency, for a total of \$188,984.40.**
8. **Consideration and action giving signature authority to the City Manager to sign Professional Services Contract with Entellus, Inc in the amount of \$316,945.00 plus a 10% contingency, for a total of \$348,639.50.**

Councilor Super made a motion to approve Consent Agenda items 2-8; seconded by Vice Mayor Kern.

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

IV. MAYOR'S COMMENTS

Mayor Waterman stated that there is an opening on the Public Safety Personnel Retirement Board as well as two openings on the Planning and Zoning Commission. Applications are available in the Clerk's Office.

V. REGULAR AGENDA

1. **Consideration and action approving the Minutes of the Regular Council Meeting held Thursday, October 25, 2007.**

Councilor Conner made a motion to approve the October 25, 2007 regular Minutes; seconded by Councilor Super.

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

A. Consideration and action to convene into Public Hearing to solicit citizen participation in the needs and priorities for funding under CDBG, HOME and other funding grants for fiscal year 2008/09.

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

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

Community Development Director George Flores stated that the purpose of the public hearing is to encourage public participation on potential CDBG and HOME projects. The public can recommend what they believe is most needed in the City such as improving streets, providing handicap accessible sidewalks, repairing and upgrading residential homes and providing homeowner assistance.

B. Consideration and action to close the Public Hearing regarding citizen participation in the needs and priorities for funding under CDBG, HOME and other funding grants for fiscal year 2008/09.

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

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

C. Consideration and action approving Resolution R07-11-28, authorizing the submission of applications to Maricopa County Community Development for Community Development Block Grant Funds, Small Cities Transportation Assistance Program and/or other resources and execute awarded agreements.

Councilor Super made a motion to approve R07-11-28; seconded by Councilor Conner.

VOTE: Yea: Bedolla, Conner, Delgado, Kern, Super, Waterman
Nay: none

Absent: Cleveland
Motion: Carried

D. Consideration and action approving Resolution R07-11-29, authorizing the submission of applications to Maricopa County Community Development for HOME Investment Partnerships Program Funds and/or other funding and execute awarded agreements.

Vice Mayor Kern made a motion to approve R07-11-29; seconded by Councilor Conner.

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

**E. Consideration and action on opening public hearing on site plans:
1. Phoenix Paver 2 in I-3/65db at 12101 W. Olive Ave.
2. Maverick Masonry in I-2/65db at 12313 W. Alice Ave.**

Councilor Super made a motion to open a Public Hearing on site plans; Seconded by Councilor Delgado.

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

Community Development Director George Flores stated that Phoenix Paver presently operates in central Phoenix. They wish to create an additional yard in El Mirage from which to form, store, and sell their brick paving products in the West Valley. The Planning and Zoning Commission held a hearing on October 17th, 2007 and recommended approval unanimously subject to stipulations.

Regarding the site plan for Maverick Masonry, Community Development Director George Flores said that the company is presently located in Glendale but they wish to move their masonry products business headquarters to the City of El Mirage.

The site is presently vacant and lies between Smith Paving in Luke Industrial Park and El Mirage Investors project slated for the corner. The Planning and Zoning Commission held a hearing on October 17th, 2007, and recommended approval unanimously subject to stipulations.

F. Consideration and action on closing the public hearing on zoning requests.

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

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

G. Consideration and action on request for approval of site plan for Phoenix Paver 2 in I-3/65db located at 12101 W. Olive Avenue.

Councilor Conner asked whether or not there have been any compliance issues relevant to PM-10 that have been raised.

Community Development Director George Flores said that there have been no compliance issues regarding PM-10.

Vice Mayor Kern made a motion to approve the site plan for Phoenix Paver; seconded by Councilor Conner.

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

H. Consideration and action on request for approval of site plan for Maverick Masonry in I-2/65db located at 12313 W. Alice Avenue.

Vice Mayor Kern made a motion to approve the site plan for Maverick Masonry; seconded by Councilor Delgado.

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

- I. **Discussion of Independent Investigation.** The City Council will discuss the results of the independent investigation of an allegation of a possible Open Meeting Law violation by members of the City Council.

Discussion ensued between the Council regarding the independent investigation of an allegation of a possible Open Meeting Law violation.

VI. COUNCIL SUMMARY OF CURRENT EVENTS

Councilor Delgado said that he attended a meeting with MAG Human Services and they presented him with a cd about bullying amongst teenagers.

Councilor Delgado stated that the Las Brisas school is on track and they are hoping to have the doors open this coming August.

Westpoint and Dysart Elementary school were both granted \$500 and El Mirage Elementary was granted a total of \$1,000.

Councilor Delgado presented a ground-breaking shovel from the construction of the waste water treatment plant to City Manager BJ Cornwall.

Councilor Conner said that the reason why the positions on the Public Safety Retirement Board and the Planning and Zoning Board opened up were because of the fact that Trent Kubasiak has been called to active duty by the U.S. Army for at least 15 months.

Councilor Super said that the Administrative Policies and Procedures Committee met last night and a package of recommendations will be brought before Council at a later date.

Councilor Bedolla said that he is working with St. Pauls Catholic Church, Pueblo El Mirage, and New Song Methodist Church in which all three organizations are adopting 25 families each for this upcoming Christmas. If anyone knows of families in need, please contact Councilor Bedolla.

VII. CITY MANAGER SUMMARY OF CURRENT EVENTS

City Manager BJ Cornwall thanked Trent Kubasiak for all of the work he has done for the City and wishes a safe return.

The City of El Mirage received a check from Frontier's insurance company for the total cost of the fire truck that was destroyed by a building fire.

MCDOT will be doing an intersection improvement at the intersection of Northern and El Mirage Roads. Improvements will be starting in late November and the costs are completely picked up by MCDOT.

VIII. CALL TO THE PUBLIC

There were no comments from the public.

IX. EXECUTIVE SESSION

No Executive Session has been requested.

X. ADJOURNMENT

Councilor Super made a motion to adjourn at 6:43 p.m.; seconded by Vice Mayor Kern.

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


Fred Waterman, Mayor

ATTEST:


Richard Saathoff, 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 November 8, 2007 and a quorum was present.


Richard Saathoff, City Clerk