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, DECEMBER 13, 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 Bill Conner, Councilor Roy Delgado, Councilor Roger Cleveland, Councilor Adam Super.

Staff present were: City Manager B.J. Cornwall, Assistant City Manager Spencer Isom, City Attorney Rick Flaaen, Assistant Police Chief Bill Lewis, 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 Consent Agenda item # 3 and stated that this item will not be heard tonight.

1. **Consideration and action approving the Minutes of the Regular Council Meeting held Thursday, November 8, 2007.**

2. **Consideration and action regarding the approval to allow sworn police officers covered by the MOU to increase the number of compensatory hours that can be held.**

3. **Consideration and action regarding the approval of Met Life Short Term Disability Insurance Plan for all active full-time Regular Employees and eliminate the Sick Leave Donation program effective January 1, 2008.**

4. **Consideration and action approving of an Easement and Agreement with Sun Ridge Master Association granting to the City of El Mirage a utility easement for water distribution system servicing the Sun Ridge development in the City of Surprise.**

5. **Consideration and action approving the purchase of a Full Penetration Model FlexRake® Unit and a Rake & Washer/Compactor Combo Package. The total cost is $164,765.00 plus a 10% contingency for a total request of $181,241.50.**

6. **Consideration and action giving signature authority to the City Manager to sign a professional services contract with Malcolm Pirnie, Inc. the contract amount is $147,514.00 plus a 10% contingency for a total request of $162,265.40**

7. **Consideration and action regarding the canceling of the second Council meeting for the month of December 2007.**

8. **Consideration and action regarding the adoption of Resolution No. 07-12-32, declaring as a public document, exhibit "A" amending City El Mirage City Code – Chapter 3 – Administration by adding Section 3.7 Abandoned Property.**

9. **Consideration and action regarding the adoption of Ordinance No. 07-12-11, amending Chapter 3 – Administration by adding Section 3.7 – Abandoned Property to the City of El Mirage City Code.**

10. **Consideration and action approving Resolution R07-12-31, amending zoning and subdivision plan review fees.**

Councilor Super made a motion to approve Consent Agenda items 1, 2 and 4 through 10; seconded by Councilor Delgado.

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

IV. MAYOR'S COMMENTS

Mayor Fred Waterman said that the budget for the State of Arizona is 1.2 billion dollars over budget. The State is determined to use as much of the 750 million dollars that is currently sitting in a reserve fund for a "rainy day". Mayor Waterman exclaimed that these "rainy day" funds for cities and towns should not be touched since it was the State that didn't budget correctly.

V. REGULAR AGENDA

A. Consideration and action approving $256,319.57 for City Hall remodel project, which includes $160,150.16 for phase I and $96,169.41 for phase II.

Vice Mayor Kern asked why the Phase I renovations went well over budget. Public Works Director Lance Calvert said that there were a few different reasons for going over budget. First, the City intended to use as much of their own staff for the renovations but because of other commitments throughout the City, this was not possible. Secondly, a number of structural problems came up once the renovations were under way, including termite damage in the two-story section.

Public Works Director Lance Calvert said that the renovations would be necessary in order to make the City Hall complex marketable if it were to be sold at a later date. The renovations will make the structure safe, ADA compliant and add value.

Public Works Director Lance Calvert stated that most of the money for phase I has already been expended due to the emergency nature of fixing the structure. The costs for Phase II have not yet been expended.

Vice Mayor Kern asked whether or not the new furniture that is budgeted to be purchased for phase II will be removable and reusable in a new complex when that time comes.

Public Works Director Lance Calvert explained that the new furniture budgeted for Phase II will be movable and can be relocated to other offices within the City.

Councilor Super asked whether or not the figures given will be enough to see the project through to completion.

Public Works Director Lance Calvert said that the numbers for Phase II should be enough to complete the job. The reason for the overrun on Phase I was due to the structural damage that was revealed after the project was already under way and the overall size of the job.

Councilor Super made a motion to approve expenditures for Phase I and Phase II for the City Hall complex; seconded by Councilor Cleveland.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Kern, Super, Waterman

Nay: none
Motion: Carried

B. Consideration and action approving Resolution No. R07-12-33, expressing intent to seek voter approval for a Single Year Exception to the State Imposed Expenditure Limitation for FY 08-09, and tentatively calling a Special Election for May 20, 2008.

Finance Director Larry Price exclaimed that the purpose of the expenditure limitation is to control expenditures and limit future increases in spending to adjustments for inflation; deflation; population growth of counties, cities and towns; and student population growth of community college districts.

Vice Mayor Michele Kern asked Finance Director Larry Price to explain what the impact would be if Council did not pass the expenditure limitation.

Finance Director Larry Price said that financial restraints would be placed on the City if the City were to be subject to the State Expenditure Limitation for this budget year 07-08. If the Single Year Exception to the State Imposed Expenditure Limitation for FY 08-09 is not passed, this would mean that City's expenditures would be 26.7 million dollars over the State's spending limit which would mean a reduction in services to the citizens in order to meet the authorized expenditure limitation.

Vice Mayor Kern made a motion to approve Resolution No. R07-12-33, expressing intent to seek voter approval for a Single Year Exception to the State Imposed Expenditure Limitation for FY 08-09; seconded by Councilor Super.

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

C. Consideration and action to uphold staff position in second Notice-to-Remove letter, to remove within 30 days the rubbish, trash, weeds, fifth, debris and/or dilapidated structure located at 13917 N. Poppy Street.

Community Development Director George Flores said that the City has been working with the property owners for over a year in order to clean up the property and make the area safe. The property owners have yet to clean up the land and remedy the problem. On November 6, 2007, the property owners requested an appeal, in writing, of staff's second Notice-to-Remove letter to demolish the fire destroyed house.

The property owner was advised of the hearing set for tonight, December 13, 2007 but was not in attendance.

Staff requests support from Council in upholding the decision to remove, within 30 days, the rubbish, trash, weeds, filth, debris and dilapidated structure on property.

City Attorney Rick Flaaen said that today at 3:55 p.m. the applicant did send an email message to the City stating that because of what she perceived as an agreement with Mr. Flores, she would be withdrawing her appeal and would not be present tonight. Immediately after the email was received, City Attorney Rick Flaaen contacted Mr. Flores and asked whether or not they made a "deal". Mr. Flores stated that he had no further contact with the applicant once the appeal was filed.

At 4:40 p.m. Thursday, December 13, City Attorney Rick Flaaen sent an email to the applicant explaining to her that since there was not an agreement made, the hearing would move forward. An additional phone call was placed at 4:45 p.m. to the applicant at the only listed phone number. The applicant didn't answer but a voicemail message was left stating that the hearing would proceed as planned. City Attorney Rick Flaaen requested that Council take action on this item.

Vice Mayor Kern made a motion to uphold staff's position in regards to the second notice to remove letter; seconded by Councilor Super.

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

VI. COUNCIL SUMMARY OF CURRENT EVENTS

Councilor Cleveland thanked the other Councilmember's and the citizens of El Mirage for allowing him to have the opportunity to travel to New Orleans for the National League of Cities convention. Councilor Cleveland said that it was very educational and was able to meet many different people.

Councilor Cleveland said that he and his wife had a chance to participate in a re-build of Joe Brown Park which was devastated by hurricane Katrina.

Councilor Super stated that the Administrative Procedures Committee met again on December 5, 2007. There will be a follow up meeting on January 9, 2008

and will be looking to present all of their findings to Council in the form of a work-session.

Councilor Conner said that last week he attended a meeting with the MAG Domestic Violence Committee. The MAG Domestic Violence Committee met in conjunction with the Continue of Care Committee, which in addition to a host of other things, addresses homelessness in Maricopa County.

VII. CITY MANAGER SUMMARY OF CURRENT EVENTS

City Manager BJ Cornwall said that three new police recruits graduated from the Police Academy today along with two Fire Academy graduates as of December 1, 2007. Two lateral firefighters have also recently been hired.

The new Pierce Fire truck has made it to the State of Arizona and is being fitted with additional fire apparatus.

The City of El Mirage will be before the appellate court on January 30, 2007 at 11:00 a.m. regarding the Glendale annexation lawsuit.

City Manager BJ Cornwall wished a Happy Holiday to all.

VIII. CALL TO THE PUBLIC

Dr. Michael Barvitz -12510 W Rosewood Dr.
Dr. Barvitz asked the El Mirage City Council to work as a coherent unit and keep the "eyes on the prize" in order to continue to move the City in the right direction.

Mr. Hugh Flisyn – 12811 W. Willow Ave.
Mr. Flisyn stated that he is thrilled with the progress of the Police Department. In order to keep moving in the right direction, Mr. Flisyn received a letter of intent from the Dysart/Thunderbird HOA stating that the HOA feels strongly that the El Mirage Police Department should have access to a canine unit and that the association plans on contributing $2,000 towards the purchase of a dog. Mr. Flisyn encouraged other businesses and HOA's to help the City obtain a canine officer.

IX. EXECUTIVE SESSION

No Executive Session has been requested.

X. ADJOURNMENT

Vice Mayor Kern made a motion to adjourn at 6:33 p.m.; seconded by Councilor Super.

VOTE: Yea: Bedolla, Cleveland, Conner, Delgado, Kern, Super, Waterman
Nay: none
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 December 13, 2007 and a quorum was present.

Richard Saathoff, City Clerk