

**CITY OF EL MIRAGE
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES [DRAFT]
DECEMBER 17, 2008**

I. CALL TO ORDER

Vice-Chair Hugh Flisyn called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Vice-Chair Flisyn led those in attendance in the Pledge of Allegiance.

III. SWEARING IN OF NEW MEMBERS AND ROLL CALL

City Clerk Richard Saathoff swore in appointees Hugh Flisyn and Doug Doede. Commission Members Robert Jones and Deidre Gossett were also present. Michael Barvitz was unable to attend. Staff present included Community Development Director George Flores, Management Assistant Sharon Antes, City Attorney Rick Flaaen, Senior Planner Mark Smith, and Technical Services Support Specialist Margarete Aranda.

IV. APPROVAL OF THE MINUTES

Robert Jones moved for approval of the minutes of February 20, 2008. Deidre Gossett seconded and the motion passed 3 to 0 for approval as presented with Doug Doede abstaining since he was not on the Commission at that time.

Robert Jones then moved for approval of the minutes of June 18, 2008. Deidre Gossett seconded and the motion passed 3 to 0 with Doug Doede abstaining.

V. WITHDRAWALS AND CONTINUANCES [NONE]

VI. NEW BUSINESS

1. Duties of Commission Members and Applicable Statutes

City Attorney Rick Flaaen provided copies of state law and spoke to the Commission about the 'Sunshine' laws, stating that public business must be conducted in open meetings. Generally the public can watch their decisions and deliberations. The agenda must be posted 24 hours in advance. Most violations of open meeting laws are unintentional where a majority (3 or more) of the members either are together somewhere or email each other in a chain and discuss an item coming to the Commission for a recommendation. If they want to discuss pertinent information they need a meeting notice and agenda except they may have an executive session for legal advice or interpretation.

Vice-Chair Flisyn asked about 3 or more attending City Council meetings. Flaaen said it could be viewed as a meeting if they were seen speaking to each other for any length of time even outside the meeting in the parking lot.

Flaaen then spoke about conflicts of interest. Intentional violation is a felony while negligence is a misdemeanor. It includes using confidential information for personal gain or accepting something of value in exchange for your vote. They should not even joke about it. Hugh Flisyn said if they are offered lunch they should pay their own way. Deidre Gossett asked about a conflict with Chamber relationships. Flaaen said it had to be for self or extended family. Flaaen said it also had to be a substantial interest rather than remote such as a minor amount in an investment. He encouraged Commission members to call and ask him if they had any questions. If they have a conflict of interest they should disclose it and recuse themselves from any action or discussion.

Flaaen then referred to Arizona Revised Statutes which authorize planning including the Commission and their duties within the City Zoning Ordinance.

Hugh Flisyn asked if they could go into executive session for legal advice on a permitted use that they had concerns about or if they had the option to vote no for the good of the community even if it met requirements. Flaaen said that if something like a message parlor or sexually oriented business met requirements and stipulations they could not generally deny the use. They also could not favor one applicant over another like Lowes over Home Depot.

Flaaen said their decision was a recommendation only but important.

2. City of El Mirage Code of Conduct

Community Development Director George Flores spoke to the Commission members about the City's Code of Conduct. The City made improvements in the past and the future general plan will change the face of this community that will benefit everyone. The first impression of the City comes from the professionalism and competence of the staff. The next step is the Planning and Zoning Commission. To that end staff is using a new recording system. Staff from other departments will also be available at their meetings to explain things the Commission may not understand and the status of cases.

Flores recommended that they adopt the Code of Conduct as rules for the Commission. The Code provides the protocol for doing business to create a favorable impression. Staff will be working on system and procedure and bringing administrative items such as a work session with the consultant on the General Plan and training on what they should be looking for on cases. They will also be providing opportunities for Commission members to attend sessions regarding good planning and growth policies. The Vice-Chair said they could have work sessions each month while awaiting cases to review.

George Flores said there was a case ready for next month, Pueblo El Mirage Planned Area Development, and then they could adjourn to a work session.

Hugh Flisyn asked if they could have identification cards. George Flores said staff would have to evaluate that and discuss it with others. Flisyn preferred them to business cards. He also mentioned a dress code and polo shirts.

3. Commission Procedures

Senior Planner Mark Smith spoke to the Commission about the development process and procedures for public hearings and recommendation to Council.

Hugh Flisyn asked if staff would provide a list of items in the pipeline. George Flores said staff is trying to improve them with aerial photos and the status.

Robert Jones asked if they would be getting a code enforcement report. Rick Flaaen said that was not normal as it was outside the purview of the Planning and Zoning Commission and bringing thing to the Commission in an open meeting was counter to enforcement efforts dealing with legal issues. If they see violations they are encouraged to contact Code Enforcement individually.

4. Election of Commission Chair

Vice-Chair Flisyn asked for anyone who would like to be considered and nominations. Robert Jones nominated Hugh Flisyn for Chair, seconded by Deidre Gossett. The vote was unanimous (4 to 0) in the affirmative.

Doug Doede then nominated Robert Jones for Vice-Chair. Hugh Flisyn seconded the motion which then passed unanimously (4 to 0).

VII. ADJOURNMENT

There being no other business, the meeting adjourned about 8:30 p.m.

Mark L. Smith, Senior Planner

Hugh Flisyn, Commission Chair