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, APRIL 23, 2009

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: Mayor Fred Waterman, Councilmember William Conner, Councilmember Roy Delgado, Councilmember David Shapera, Councilmember Adam Super.
Absent: Vice Mayor Michele Kern, Councilmember Roger Cleveland

III. **CONSENT AGENDA**

Mayor Waterman removed consent agenda items 2, 3, 4, and 6 to be discussed and voted on separately.

1. **Consideration and action approving the Minutes of the Regular Council Meeting held Thursday, April 9, 2009.**

2. Consideration and action approving awarding a contract for the purchase of tertiary filter cloth at the Water Reclamation Plant to Aqua Aerobic Systems in the amount of $31,776.28.

3. Consideration and action proclaiming the week of May 3 through May 9, 2009 as Building Safety Week in the City of El Mirage.

4. Consideration and action to approve and adopt Resolution R09-04-11, approving and declaring as a public record that document titled "Amendments to the 2006 Edition of the International Fire Code."

5. **Consideration and action approving Resolution R09-04-12 of the Mayor and Council of the City of El Mirage, a Municipal Corporation of Arizona, to authorize the application for a CWSRF Loan for the Water Infrastructure Finance Authority of Arizona (WIFA) for an amount not to exceed $1,500,000.00.**

6. Consideration and action approving Resolution R09-04-13 of the Mayor and Council of the City of El Mirage, a Municipal Corporation of Arizona, to authorize the application for a DWSRF Loan for the Water Infrastructure Finance Authority of Arizona (WIFA) for an amount not to exceed $1,300,000.00.

7. **Consideration and action requesting that the Mayor and City Council give signature authority to the City Manager to sign the agreement with APS to provide electric distribution and street lighting to Cinnabar Avenue for $135,647.79.**

8. **Consideration and action to give signature authority to the City Manager to award the Construction Manager at Risk Construction Services contract for the Phase III of Heritage Park Project No. PW07-PK01 to Low Mountain Construction, Inc in the amount of $400,000.00.**

Councilmember Conner made a motion to approve consent agenda items 1, 5, 7, and 8; seconded by Councilmember Super.

VOTE: Yea: Conner, Delgado, Shapera, Super, Waterman
Nay: None
Absent: Cleveland, Kern
Motion: Carried

2. **Consideration and action approving awarding a contract for the purchase of a tertiary filter cloth at the Water Reclamation Plant to Aqua Aerobic Systems in the amount of $31,776.28.**

Councilmember Super asked what exactly a tertiary filter cloth is and what it is used for.

Public Works Director Lance Calvert said that a tertiary filter is used to filter out the finer particles towards the end of the water filtration process. These filters are very unique and are only manufactured by the original manufacturer of the water filtration system.

Councilmember Adam Super made a motion to approve the purchase of a tertiary filter cloth from Aqua Aerobic Systems in the amount of $31,776.28; seconded by Councilmember Delgado.

VOTE: Yea: Conner, Delgado, Shapera, Super, Waterman
Nay: None
Absent: Cleveland, Kern
Motion: Carried

3. **Consideration and action proclaiming the week of May 3 through May 9, 2009 as Building Safety Week in the City of El Mirage.**

Councilmember Super made a motion to approve the proclamation proclaiming the week of May 3 through May 9, 2009 as Building Safety Week; seconded by Councilmember Conner.

VOTE: Yea: Conner, Delgado, Shapera, Super, Waterman
Nay: None
Absent: Cleveland, Kern
Motion: Carried

4. **Consideration and action to approve and adopt Resolution R09-04-11, approving and declaring as a public record that document titled "Amendments to the 2006 Edition of the International Fire Code."**

Councilmember Delgado asked how will the 2000 gallon capacity of petroleum products affect the refinery on Olive Ave so that they conform to the safety standards.

Assistant Fire Chief Howard Munding said that the petroleum plant has already applied for and has been given a permit for their operations. If the 2000 gallon limit is exceded, then the company would need to obtain special permits.

Councilmember Delgado asked that when the refinery performs hotwork at their plant, do they have to notify the Fire Department.

Assistant Fire Chief Howard Munding stated that businesses that regularly conduct hotwork operations, the internal staff will issue the hotwork permits. If the work is unique, then they must contact the Fire Department to obtain special permits.

Councilmember Delgado made a motion to approve R09-04-11; seconded by Councilmember Conner.

VOTE: Yea: Conner, Delgado, Shapera, Super, Waterman
Nay: None
Absent: Cleveland, Kern
Motion: Carried

6. **Consideration and action approving Resolution R09-04-13 of the Mayor and Council of the City of El Mirage, a Municipal Corporation of Arizona, to authorize the application for a DWSRF Loan for the Water Infrastructure Finance Authority of Arizona (WIFA) for an amount not to exceed $1,300,000.00.**

Councilmember Delgado said that the majority of the water lines that will be replaced are located within the City of Surprise and asked whether or not the City of Surprise is going to be contributing financially to the project.

Public Works Director Lance Calvert said that the City of El Mirage owns and operates the water lines at these locations so the City of El Mirage is financially responsible for the maintenance.

Councilmember Delgado made a motion to approve R09-04-13; seconded by Councilmember Super.

VOTE: Yea: Conner, Delgado, Shapera, Super, Waterman
Nay: None
Absent: Cleveland, Kern
Motion: Carried

IV. REGULAR AGENDA

Mayor Waterman removed regular agenda item C since it needs a super majority to be approved.

A. Public Hearing for comments on proposed assessment of new and/or modified development fees and the proposed adoption of an Infrastructure Improvement Plan (IIP) and Development Fee Report (DFR) to modify development (impact) fees pursuant to the TischlerBise Infrastructure Improvements Plan and Development Fee Report dated October 30, 2008.

Mayor Waterman opened the public hearing.

No comments were received.

Mayor Waterman closed the public hearing.

B. Consideration and action to adopt Ordinance No. O09-04-04, approving and adopting by reference as part of the Fire Code of the City of El Mirage (1) Appendices B, C, D, E, F, and G of the International Fire Code, 2006 edition, and (2) that document titled "Amendments to the 2006 Edition of the International Fire code" approved by Resolution No. R09-04-11.

Councilmember Conner made a motion to approve Ordinance O09-04-04; seconded by Councilmember Super.

VOTE: Yea: Conner, Delgado, Shapera, Super, Waterman
Nay: None
Absent: Cleveland, Kern
Motion: Carried

C. Consideration and action adopting Ordinance O09-04-05, approving the adoption of the City Code and Ordinances in codified form and an emergency is being declared.

Regular Agenda item C was removed from the agenda.

V. MAYOR'S COMMENTS and COUNCIL SUMMARY OF CURRENT EVENTS

Mayor Waterman said that Jim Farley, owner of Coco's towing, has donated $500 to the White Tanks Little League.

President of the White Tanks Little League, Mike Humes, accepted the $500 on behalf of the City. Mr. Humes thanked Mr. Farley for the donation and encouraged everyone to come out and watch the little league games on Friday nights at Bill Gentry Park.

Councilmember Super requested a work-study regarding the irrigation rates as soon as practicable.

VI. CITY MANAGER SUMMARY OF CURRENT EVENTS

City Manager BJ Cornwall reported that two homebuyer assistance workshops were conducted this week as one initiative in the City's efforts to address the number of vacant homes and to find new homeowners to buy foreclosed homes in the City of El Mirage. Nearly 60 people attended these two workshops to learn about the qualifying requirements. Completed applications will be accepted beginning next Tuesday, April 28.

The new signals at Cactus and Dysart roads are functional and the temporary signals have been removed.

The City has been awarded a $44,000 Byrne JAG Grant and is in the process of completing the necessary federal forms required before receiving this funding. This money will go towards projects focused on property crime reductions, a crime map website that can be accessed by citizens and protective equipment for the officers.

VII. CALL TO THE PUBLIC

No comments were received.

VIII. EXECUTIVE SESSION

D. Consideration and vote to hold an executive session to discuss the City's position regarding potential litigation and to provide direction to the City's Attorney.

Councilmember Super made a motion to convene into Executive Session at 6:30 p.m.; seconded by Councilmember Conner.

VOTE: Yea: Conner, Delgado, Super, Shapera, Waterman
Nay: None

Absent: Cleveland, Kern
Motion: Carried

Councilmember Conner made a motion to close the Executive Session and reconvene into Regular Session; seconded by Councilmember Shapera.

VOTE: Yea: Conner, Delgado, Super, Shapera, Waterman
Nay: None
Absent: Cleveland, Kern
Motion: Carried

IX. ADJOURNMENT

Mayor Waterman adjourned the meeting at 6:55 p.m.

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 April 23, 2009 and a quorum was present.

Richard Saathoff, City Clerk