

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE MUNICIPAL COURT/CITY COUNCIL CHAMBERS
14010 N. EL MIRAGE ROAD
6:00 P.M., THURSDAY, AUGUST 27, 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 were: Mayor Fred Waterman, Vice Mayor Michele Kern, Councilmember Roger Cleveland, Councilmember William Conner, Councilmember Roy Delgado, Councilmember David Shapera, Councilmember Adam Super.

III. **CONSENT AGENDA**

Mayor Waterman removed Consent Agenda items 2, 4, and 7 and moved them to the Regular Agenda to be voted on separately.

1. **Consideration and action approving the Minutes of the Regular Council Meeting held Thursday, July 9, 2009.**
2. Consideration and action approving the Minutes of the Special Council Meeting held Monday, August 3, 2009.
3. **Consideration and action regarding the destruction of records that have surpassed the retention period as determined by the Arizona Department of Records Management.**
4. Consideration and action authorizing the City Manager to enter into an architectural services agreement with LEA Architects to design and prepare construction documents for El Mirage Fire Station No. 2 (Project No. PW08-FS01) in an amount not to exceed \$359,437.18.
5. **Consideration and action approving revisions to the Regional Wireless Cooperative IGA and authorize the Mayor to sign the amended IGA.**
6. **Consideration and action approving a Professional Service Agreement with the Dysart Community Center to assist with the ongoing operation and expansion of facility-based recreation programs.**
7. Consideration and action approving an Intergovernmental Agreement between the City of El Mirage and the State of Arizona, Department of Emergency and Military Affairs, to provide for mutual aid during emergencies.

8. **Consideration and approval of an Intergovernmental Agreement with the Western Central Arizona Project Subcontractors (WESTCAPS) group to permit the City of El Mirage to become of member of WESTCAPS.**
9. **Consideration and action authorizing the City of El Mirage to purchase 5,508 acre feet of Central Arizona Project (CAP) Excess and Incentive water for storage in the Agua Fria, Hieroglyphic Mountain, and Tonopah Desert Recharge facilities in calendar year 2010.**

Councilmember Super made a motion to approve Consent Agenda items 1, 3, 5, 6, 8, and 9; seconded by Councilmember Delgado.

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

IV. REGULAR AGENDA

2. **Consideration and action approving the Minutes of the Special Council Meeting held Monday, August 3, 2009.**

Councilmember Super and Vice Mayor Kern recused themselves from this item since they were not present at the meeting.

Councilmember Conner made a motion to approve the August 3, 2009 Special Minutes; seconded by Councilmember Shapera.

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

4. **Consideration and action authorizing the City Manager to enter into an architectural services agreement with LEA Architects to design and prepare construction documents for El Mirage Fire Station No. 2 (Project No. PW08-FS01) in an amount not to exceed \$359,437.18.**

Councilmember Shapera asked what the estimated life expectancy is of the proposed Fire Station No. 2.

Public Works Director Lance Calvert stated that typical life expectancy for this type of building would have a minimum twenty year life cycle.

Councilmember Shapera said that he would like the city to look into the possibility of adding solar power and sky lights to the design.

Councilmember Delgado asked how many bids were received for the design of Fire Station No. 2.

Public Works Director Lance Calvert said that there were over twenty submittals for design services and the city narrowed those down to about three or four for interviews.

Vice Mayor Kern made a motion to approve the architectural services agreement with LEA Architects to design Fire Station No. 2; seconded by Councilmember Super.

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

7. Consideration and action approving an Intergovernmental Agreement between the City of El Mirage and the State of Arizona, Department of Emergency and Military Affairs, to provide for mutual aid during emergencies.

Fire Chief Darrell Rezendes reported that this IGA allows the State to enter into a mutual aid agreement directly with local government entities to consolidate and streamline the response to emergencies.

Councilmember Conner made a motion to approve the mutual aid IGA with the State of Arizona; seconded by Councilmember Super.

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

A. Consideration and action approving an IGA between the City of El Mirage and the City of Surprise for the City of El Mirage to provide water service to the Surprise Original Townsite.

Councilmember Conner made a motion to approve the water service IGA between the City of El Mirage and the City of Surprise; seconded by Councilmember Delgado.

Councilmember Shapera asked when improvements are made to the sewer system in the original square mile of Surprise, who pays for it?

City Attorney Rick Flaaen said that the water users all share the cost for improvements throughout the system.

Councilmember Shapera asked who sets the fee for the Surprise users.

City Attorney Rick Flaaen said that the City of El Mirage sets the water rates for its customers both within El Mirage and Surprise. There is a separate fee that the City of Surprise is requiring of all water service users within the City of Surprise be charged and paid to the City of Surprise.

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

- B. Consideration and action authorizing staff to file with the Maricopa County Recorder's Office a blank Annexation Petition, in the form attached hereto as Attachment A, for the unincorporated territory contiguous to the eastern boundary of the City of El Mirage and bounded, approximately by the Olive Avenue alignment on the south, the Peoria Road alignment on the north, the corporate boundaries of the Town of Youngtown on the east and the corporate boundaries of the City of El Mirage on the west.**

Councilmember Conner made a motion to approve authorizing staff to file a blank Annexation Petition with the Maricopa County Recorder's Office; seconded by Councilmember Super.

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

- C. Consideration and action adopting Resolution R09-08-27, a resolution approving the form and authorizing the execution and delivery of loan agreements with the Water Infrastructure Finance Authority (WIFA) of Arizona; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by such agreements; and declaring an emergency.**

Councilmember Delgado made a motion to approve Resolution R09-08-27; seconded by Vice Mayor Kern.

WIFA requires the use of an emergency clause when approving loan agreements so that they are able to obtain the best rate on the bonds.

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

- D. Consideration and action approving Ordinance O09-08-08, amending the El Mirage City Code, Chapter 150, Building, by updating the references to adopted codes and standards in the Chapter.**

Vice Mayor Kern made a motion to approve Ordinance O09-08-08;
seconded by Councilmember Cleveland.

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

- E. Consideration and action approving Ordinance O09-08-09, adopting by reference the International Property Maintenance Code, 2006 Edition, and adding §150.070 to Chapter 150, Building, of the City Code of the City of El Mirage.**

Councilmember Cleveland made a motion to approve Ordinance O09-08-09; seconded by Councilmember Conner.

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

- F. Consideration and action approving Resolution R09-08-28, declaring as a public record that certain document filed with the City Clerk's Office and entitled "2009 Amendments to the Tax Code of the City of El Mirage."**

Vice Mayor Kern made a motion to approve Resolution R09-08-28;
seconded by Councilmember Shapera.

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

- G. Consideration and action approving Ordinance O09-08-10, relating to the Privilege License Tax, adopting the "2009 Amendments to the Tax Code of the City of El Mirage" by reference, providing penalties for violations, providing for the severability, and establishing effective dates.**

Vice Mayor Kern made a motion to approve Ordinance O09-08-10;
seconded by Councilmember Cleveland.

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

- H. Consideration and action approving Resolution R09-08-30, authorizing an application to the Greater Arizona Development Authority for financial assistance for a loan to construct an approximately 32k sqft. YMCA facility on the acreage adjacent to and west of the new Gateway Park along Cinnabar Road.**

Councilmember Cleveland made a motion to approve Resolution R09-08-30; seconded by Councilmember Super.

Vice Mayor Kern said that she is excited and eager about the possibility of bringing a YMCA to the City of El Mirage but wanted to make sure that the wording in the contract doesn't too narrowly define a "YMCA" just in case negotiations break down.

Councilmember Conner expressed his concern over the total cost to build the YMCA.

City Manager BJ Cornwall said that it is the cities intention to develop that area and hopes that the YMCA will help contribute to speeding up development since it will help bring more traffic to the area.

Assistant City Manager Spencer Isom introduced Mr. George Scobas, Executive Vice President of Finance for the Valley of the Sun YMCA. Mr. Scobas gave a brief overview of the YMCA and discussed various building options.

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

- I. The City Manager will update the City Council on the status of discussions with Dysart Ranchettes property owners regarding irrigation service and will request an extension to October 8, 2009, for him to bring a recommendation to Council regarding the irrigation service.**

City Manager BJ Cornwall said that he has met with the Dysart Ranchettes committee, Ranchette homeowners, and other parties regarding the irrigation service and there are still unanswered questions that need to be addressed in order to bring a recommendation back before Council. For this reason, Mr. Cornwall requested an extension to October 8th, to bring a recommendation to Council regarding the irrigation service.

Councilmember Conner made a motion to approve the request for an extension to October 8, 2009, for the City Manager to bring a recommendation to Council regarding the irrigation service; seconded by Vice Mayor Kern.

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

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

Mayor Waterman said that he was glad to see the negotiations with the YMCA moving forward.

Mayor Waterman also reported that the new Gateway Park turned out very well and is glad to see that it is getting a lot of use. The Mayor also thanked John F. Long and family for donating the land for the park.

Councilmember Delgado reported that he attended a meeting with the Dysart Educational Foundation. Since the Sun Dome is closing, the Performing Arts Council would like to donate \$25,000 to each of the high schools in the Dysart Unified School District so that they can update their performing arts programs.

Councilmember Conner said that he attended last weeks MAG Domestic Violence and Homelessness Services Task Force. Currently, they are working on completing their shelter capacity study which is to determine whether or not the shelters in the valley are able to serve the people that they need to serve. They are also working on a legal assistance study to determine how best to provide pro bono and discount legal services for those victims of domestic violence. Lastly, they are also working on a client principle statement to try and bring every shelters particular mission statement and treatment of their people in line.

Councilmember Conner wanted to correct a newspaper article in which the article stated that he lives in Litchfield Park when he actually lives in the City of El Mirage.

Councilmember Conner recently was able to meet with the Mayor of Valparaiso, Florida regarding their experience of the F-35 and what their impacts will be.

4. CITY MANAGER SUMMARY OF CURRENT EVENTS

City Manager BJ Cornwall reported that on Monday, August 24th, the City of El Mirage Fire Department received a \$2,000 fire prevention grant from FM Global to install smoke detectors in the community.

The Redflex red light/speed cameras have been activated. The trial period will conclude on August 31st. During the test period, 3,600 violations were recorded.

The city's new public relations firm Rose & Allyn is now on board and the city is pleased to have them.

Each year, the Arizona Building Officials select the finest among city and county employees to be recognized for their contributions to building safety. Our own, Ella Ochoa, was selected among the 250 plus permit technicians in the state by this committee for the Arizona Permit Technician of the Year award.

The City of El Mirage will be holding its annual Bulk Trash Collection and Surplus Electronics Recycling event on Saturday, September 19th from 7:00 a.m. until 12:00 p.m.

The new dog park feature inside Gateway Park will be opening this Saturday at 6:00 a.m.

In late July, the Regional Wireless Cooperative began between the City of Surprise and the City of El Mirage. It immediately provided clear and efficient communication capabilities and also allows the City to communicate with other agencies on the system by simply flipping a switch.

The Shell gas station carwash should be up and running by October 1st.

5. CALL TO THE PUBLIC

Lana Mook – 11201 N. El Mirage Rd.

Ms. Mook expressed her concern over the direction that the City Council is taking regarding Luke AFB. Ms. Mook believes that the Council is jeopardizing the viability and future productivity of Luke AFB.

Hugh Flisyn – 12811 W Willow Rd.

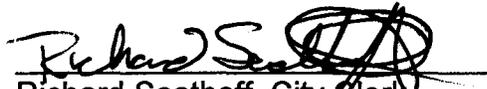
Mr. Flisyn said that he would like the city to look into widening Cinnabar Rd. so that fire trucks have an easier time maneuvering in and out of the new fire station. Mr. Flisyn also urged the Council to make sure that the city builds a large enough fire station to fit ladder trucks.

6. ADJOURNMENT

Mayor Waterman adjourned the meeting at 7:18 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 August 27, 2009 and a quorum was present.


Richard Saathoff, City Clerk