

**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, SEPTEMBER 10, 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 Adam Super.  
Absent: Councilmember David Shapera.
- III. **CONSENT AGENDA**
1. **Consideration and action approving the Minutes of the Regular Council Meeting held Thursday, August 27, 2009.**
  2. **Consideration and action approving Resolution R09-09-32, to approve extending Presiding Judge James Mapp's term for ninety (90) days to allow sufficient time for the Judicial Advisory Review Board to evaluate the performance of the City's Judicial Officer and to integrate their findings within their recommendations to the City Council as to the potential action to be taken by the Council regarding reappointment of the seated judicial officer, Judge James Mapp.**
  3. **Consideration and action approving an Intergovernmental Agreement between the State of Arizona Department of Public Safety (DPS) and the City of El Mirage Police Department to fund 75% of the payroll expenses for one El Mirage police officer assigned to the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) Task Force. Participation with GIITEM was first initiated in July, 2008.**

Councilmember Conner made a motion to approve Consent Agenda items 1, 2, and 3; seconded by Councilmember Super.

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

#### IV. REGULAR AGENDA

##### A. Public Hearing - Consideration and action to approve Resolution R09-09-31, approving the City of El Mirage's Five Year Consolidated Plan for FY 2010-2014.

Mayor Waterman opened the public hearing.

Beth Simek – 12913 W. Crocus Dr.

Ms. Simek, President of the Surprise Elementary School PTSA and President of the Surprise/El Mirage PTA Council, expressed her concern for the wash area located behind the Surprise Elementary school that travels through the Rancho Mirage community. She feels that it is currently unsafe for the children to walk through and is a blight on the neighborhood.

Steve Gilliam – 12505 W. Redfield Rd.

Mr. Gilliam, member of the Rancho Mirage HOA, said that he would like to see the city clean up and fence in the wash area located underneath the bridge on Grand Ave. in order to keep the kids safe and the vandals out.

Mayor Waterman closed the public hearing.

Councilmember Conner made a motion to approve Resolution R09-09-31; seconded by Councilmember Delgado.

Vice Mayor Kern asked whether or not specific citizen requests are outlined in the document.

Community Development Director George Flores stated that the document is essentially a wish list of what the city believes are the needs of this community which is needed in order for the city to apply for federal CDBG funds. Not all activities may qualify under the federal funding guidelines.

Councilmember Conner requested staff to look at the status of ownership of some of the wash areas because it is possible that the City of El Mirage does not own all of the properties.

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

##### B. Consideration and action to give signature authority to the City Manager to award the contract for the Thunderbird Road and Dysart Road Intersection Improvements (PW09-ST01) to DCS Contracting, Inc. in the amount of \$1,846,822.38 and approve a 10% contingency in the amount of \$184,682.24. The total amount requested is \$2,031,504.62.

Councilmember Conner made a motion to approve awarding the contract for the Thunderbird Road and Dysart Road Intersection Improvements to DCS Contracting, Inc.; seconded by Councilmember Super.

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

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

Mayor Waterman commented on the City of El Mirage and Rio Salado partnership program which offers citizens a chance to obtain their GED. Mayor Waterman presented GED Certificates of Completion to Cristina Cisneros, Brody Martin, and Jesse Sullivan (absent).

Councilmember Delgado reported on the material usage figures for the El Mirage library. Library usage was up 12% for August of 2009 over August of 2008. Councilmember Delgado also commented that he attended the League of Cities and Towns in Tucson. While there, he had the opportunity to attend classes such as Municipal Infrastructure Planning, The Managers Role in Helping Councilmember's Achieve Results, Managing City/Town Employee Costs, and a Legislative Update class.

Councilmember Cleveland congratulated the citizens who obtained their GED's and encouraged them to keep working towards their goals.

#### **VI. CITY MANAGER SUMMARY OF CURRENT EVENTS**

City Manager BJ Cornwall reported that the new Gateway Park was featured in an article in the *Kids and Sports* September publication.

#### **VII. CALL TO THE PUBLIC**

Jim McPhetres – 12613 W. Sierra St.

Mr. McPhetres stated that he was disappointed with the Council's frivolous spending for trips to Washington D.C. and their actions towards Luke AFB. He urged the Council to take Luke AFB supporters into consideration when making decisions.

Tamara Lies – 12621 W. Sierra St.

Ms. Lies asked how the proposed Oasis A-Z was going to be paid for.

Lana Mook – 11261 N. El Mirage Rd.

Ms. Mook expressed her disappointment in Mayor Waterman's motion at the League of Cities and Towns Resolution Committee meeting which added verbiage to remove future military missions in the endorsement of the military resolution in the state.

**VIII. EXECUTIVE SESSION**

The City Council shall consider and vote to hold an executive session immediately after adjournment of this meeting in the El Mirage City Hall Administration Conference Room, located at 12145 N.W. Grand Avenue, El Mirage, Arizona, for the following purposes:

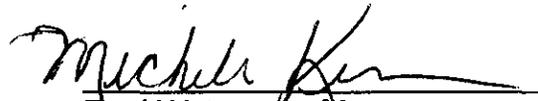
- 1. To consult with the City's attorney and the members of the Special Subcommittee of the El Mirage City Council to receive legal advice, to receive an update, to consider the City's position, and to provide direction in negotiations regarding the City of El Mirage's sustainability and quality of life in the vicinity of a military air base. (A.R.S. § 38-431.03 (A)(3)(4)(6)(7))**
- 2. To obtain legal advice from the City's attorney regarding protocol and requirements of Council members during council meetings. (A.R.S. § 38-431.01(A)(3))**

Councilmember Super made a motion to adjourn into executive session immediately after the adjournment of this meeting at the El Mirage City Hall Administration Conference Room, located at 12145 N.W. Grand Avenue; seconded by Councilmember Cleveland.

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

**VIII. ADJOURNMENT**

Mayor Waterman adjourned the meeting at 6:32 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 September 10, 2009 and a quorum was present.

  
Richard Saathoff, City Clerk