

**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, NOVEMBER 12, 2009**

Minutes

- I. CALL TO ORDER** – The meeting was called to order by Mayor Michele Kern at 6:02 p.m. Council led the public in the Pledge of Allegiance and a Moment of Silence. Mayor Kern dedicated the Moment of Silence to Fire Captain Tom Christmas whose wife passed away last week. Councilmember Delgado asked to honor all the Veterans as well.
- II. ROLL CALL** – Present were: Mayor Michele Kern, Vice Mayor David Shapera, Councilmember Roger Cleveland (via teleconference), Councilmember William Conner (via teleconference), Councilmember Roy Delgado, Councilmember Adam Super.
- III. PRESENTATION**
- 1. Oath of Office and the swearing in of the newly appointed Councilor.**
- This item was removed from the agenda.
- 2. Presentation by Cub Scout Pack 922 to members of the El Mirage Police and Fire Departments.**
- Mr. Bob Jones gave a brief overview of the El Mirage scouting program. Mr. Jones and Cub Scouts Nick Erickson, Jacob Jones, and Jose Lozano presented certificates of appreciation to the Police and Fire Departments. Mr. Jones thanked everyone who helped make the scouting program possible, especially the Knights of Columbus of Sun City and El Mirage and Mr. Rick Monzon.
- IV. CONSENT AGENDA**
- Mayor Kern removed Consent Agenda items 4 and 6 so they can be discussed and voted on separately.
- 3. Consideration and action approving the Minutes of the Special Council Meeting held Thursday, October 1, 2009.**
- 4. Consideration and action approving the Minutes of the Regular Council Meeting held Thursday, October 8, 2009.**

5. **Consideration and action approving an IGA between the City of El Mirage and the Dysart School District to fund a School Resource Officer.**
6. Consideration and action approving Resolution R09-11-36, extending Presiding Judge James Mapp's term to April 8, 2010, to allow sufficient time for the Judicial Selection and Advisory Review Board (JSARB) to gather additional information to evaluate the Judge's performance.
7. **Consideration and action regarding making a recommendation to the Arizona Department of Liquor Licenses and Control regarding the extension of premises at the Festival Seafood Restaurant at 12313 NW Grand Avenue.**
8. **Consideration and action authorizing the purchase of a Ferrara Custom Pumper Truck from Badlands Fire Apparatus, at a cost not to exceed \$578,558.11 (including sales tax).**
9. **Consideration and action approving Resolution R09-11-37, authorizing the City Manager to enter into a lease/purchase agreement with Kansas State Bank of Manhattan for a manufactured building to be used for the storage of evidence and property in the possession of the City of El Mirage Police Department.**

Councilmember Delgado made a motion to approve Consent Agenda items 3, 5, 7, 8, and 9; seconded by Vice Mayor Shapera.

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

V. REGULAR AGENDA

4. **Consideration and action approving the Minutes of the Regular Council Meeting held Thursday, October 8, 2009.**

Councilmember Super stated that under the Council Summary of Current Events section, he would like the word "Chair" changed to "Primary Delegate".

Councilmember Super made a motion to approve the Minutes with the noted change; seconded by Vice Mayor Shapera.

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

6. Consideration and action approving Resolution R09-11-36, extending Presiding Judge James Mapp's term to April 8, 2010, to allow sufficient time for the Judicial Selection and Advisory Review Board (JSARB) to gather additional information to evaluate the Judge's performance.

Human Resources Director Toni Brown said that the Board met in October and they voted to request an extension because they felt that they needed more feedback in order to properly evaluate the Judge's performance.

Councilmember Super made a motion to approve Resolution R09-11-36, extending Presiding Judge James Mapp's term to April 8, 2010; seconded by Councilmember Delgado.

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

A. Public Hearing to receive citizen comments regarding the request for a liquor license from Jose Perez Gutierrez at 11709 W. Thunderbird Rd.

Mayor Kern opened the public hearing.

No comments were received.

Mayor Kern closed the public hearing.

B. Consideration and action regarding making a recommendation to the Arizona Department of Liquor Licenses and Control regarding the request for liquor license from Jose Perez Gutierrez at 11709 W. Thunderbird Rd.

Councilmember Delgado made a motion to approve the liquor license request from Jose Perez Gutierrez at 11709 W. Thunderbird Rd.; seconded by Councilmember Super.

Concerns were raised regarding the proximity of the proposed liquor license location to nearby churches.

Councilmember Delgado withdrew his previous motion to approve and made a new motion to table item B. Councilmember Super withdrew his second on the original motion and seconded the tabling motion.

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

- C. **Public Hearing to encourage citizen participation regarding the priorities for funding under the Community Development Block Grant (CDBG) program, the Home Investment Partnership (HOME) program, and related programs for Urban County communities for the FY 2010/11 grant cycle.**

Mayor Kern opened the public hearing.

No comments were received.

Mayor Kern closed the public hearing.

- D. **Consideration and action to approve Resolution R09-11-38, a resolution authorizing the City of El Mirage to submit an application to the Maricopa County Human Services Department, Community Development Division for FY 2010/11 Community Development Block Grant (CDBG) funds and related funding opportunities, and to execute subsequent award agreements.**

Councilmember Delgado made a motion to approve Resolution R09-11-38; seconded by Vice Mayor Shapera.

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

- E. **Consideration and action to approve Resolution R09-11-39, a resolution authorizing the City of El Mirage to submit applications to the Maricopa County Human Services Department, Community Development Division for FY 2010/11 Home Investment Partnership (HOME) program and related funding opportunities, and to execute award agreements.**

Councilmember Delgado made a motion to approve Resolution R09-11-39; seconded by Councilmember Super.

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

- F. **Public Hearing to receive public comments on amending the General Plan designation and the rezoning of the northwest corner of El Mirage Road and Desert Cove.**

Mayor Kern opened the public hearing.

No comments were received.

Mayor Kern closed the public hearing.

G. Consideration and action approving Resolution R09-11-35, amending the General Plan designation of the northwest corner of El Mirage Road and Desert Cove from Rural Density Residential to Neighborhood Commercial.

Councilmember Super made a motion to approve Resolution R09-11-35; seconded by Vice Mayor Shapera.

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

H. Consideration and action approving Ordinance O09-11-13, rezoning of the northwest corner of El Mirage Road and Desert Cove from R-43 Single Family Residential to B-1 Neighborhood Business.

Councilmember Super made a motion to approve Ordinance O09-11-13; seconded by Vice Mayor Shapera.

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

I. Consideration and action approving Ordinance O09-11-11, an ordinance fixing the dates, times and location of the 2010 City Council meetings.

Councilmember Delgado made a motion to approve Ordinance O09-11-11as presented; seconded by Councilmember Super.

Discussion ensued between the Council regarding the setting of the 2010 City Council meeting schedule as to whether or not the Council should hold one or two meetings a month.

Councilmember Delgado made a motion to amend his original motion for approval to reflect the change of adding a second meeting each month to the 2010 City Council meeting schedule; this amendment was not accepted.

The original motion by Councilmember Delgado to approve Ordinance O09-11-11as presented stands; seconded by Councilmember Super.

VOTE: Yea: Super
Nay: Cleveland, Conner, Delgado, Kern, Shapera
Motion: Failed

Councilmember Delgado made a motion to add a second meeting a month to the 2010 City Council meeting schedule; seconded by Vice Mayor Shapera.

VOTE: Yea: Cleveland, Conner, Delgado, Kern, Shapera
Nay: Super
Motion: Carried

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

Vice Mayor Shapera said that he attended a Veterans Day ceremony yesterday at the Sunland cemetery in Sun City and it was very well done.

Mayor Kern stated that on Saturday, she had the opportunity to attend the Cactus Park HOA annual barbeque. The event was well put together and well received by attendees.

VII. CITY MANAGER SUMMARY OF CURRENT EVENTS

City Manager BJ Cornwall said that WESTMARC's 17th annual Best of the West award winners were recognized on Thursday, November 5th at the Renaissance Glendale Hotel. WESTMARC's annual awards recognize outstanding contributions to the image, lifestyle and economic development of the West Valley.

The City of El Mirage was nominated by the Dysart Unified School District in the category of Education K -12 for the Mayor's Adult Basic Education Academy while SCF Arizona nominated the City of El Mirage Community & Recreation Services in the Category of Service to Communities – Municipal.

Although both nominations did not receive the top honor, both were selected as Honorable Mention. These awards are the result of the positive contributions by multiple parties working together to improve the quality of life for our residents.

Also, at their recent 2009 Conference Awards Program, the American Planning Association recognized the City of El Mirage & The Planning Center in the category of "Public Participation Program" for the El Mirage General Plan "Park Bench" and Design Charrette. The City is honored by their recognition and proud of everyone involved in this project.

Regarding the Dysart and Thunderbird Roads Intersection, construction is underway for dry utilities such as APS, Qwest, and Cox. APS has moved the 69k V line to the new poles and this work will continue for another two months.

Mr. Cornwall welcomed new Finance Director Robert Nilles.

VIII. CALL TO THE PUBLIC

Jack Palladino – 11201 N. El Mirage Road

Mr. Palladino expressed the importance of free speech. Mr. Palladino thanked Councilmember Delgado for his service to the Country and to the City of El Mirage.

Michele Palladino – 11201 N. El Mirage Road

Mrs. Palladino stated that those who live in glass houses should not be throwing stones. Mrs. Palladino voiced her displeasure regarding the grievance that was filed against Councilmember Delgado.

Lana Mook – 11201 N. El Mirage Road

Mrs. Mook said that the F-35 fighter jet mission is the premier and only mission likely to generate the number of military staff and support positions for years to come. Mrs. Mook asked the Council to do their due diligence when reviewing City Council applications for the vacant Council seat.

Danielle Selby – 11201 N. El Mirage Road

Mrs. Selby asked how the City Council could be acting in the best interest of El Mirage and say that the city supports LUKE AFB when the city declined membership in the West Valley Partners and declined to pay any membership dues.

Laurie Carnal – 11201 N. El Mirage Road

Mrs. Carnal expressed her concerns regarding the applicants to fill the vacant Council seat.

Tony Simek – 12913 W. Crocus Drive

Mr. Simek voiced his support for City Council candidate Ben Lewis.

Beth Simek – 12913 W. Crocus Drive

Mrs. Simek voiced her support for City Council candidate Ben Lewis.

Steve Gilliam – 12505 W. Redfield Road

Mr. Gilliam stated his dismay for the application process regarding the filling of the vacant Council seat and also asked the Council to verify all information listed on the applications.

IX. ADJOURNMENT

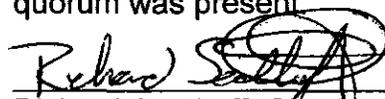
Mayor Kern adjourned the meeting at 7:05 p.m.


Michele Kern, 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 November 12, 2009 and a quorum was present.


Richard Saathoff, City Clerk