

**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, DECEMBER 10, 2009**

Minutes

I. CALL TO ORDER – The meeting was called to order by Mayor Michele Kern 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 Michele Kern, Vice Mayor David Shapera, Councilmember Roger Cleveland, Councilmember Roy Delgado, Councilmember Ben Lewis, Councilmember Adam Super.
Absent: Councilmember William Conner.

III. PRESENTATION

City of El Mirage's Downtown Arts District.

Economic Development Director Scott Chesney gave a brief presentation regarding the Downtown Arts District. The main goals of the Downtown Arts District are to become the focus of community and neighborhood activities; to reduce automobile travel by increasing transit use and walk-ability, and to replace many of the undesirable characteristics of strip commercial development with mixed-use corridor development appropriate in scale for the area.

IV. CONSENT AGENDA

Mayor Kern removed Consent Agenda items (1), (2), (3), and (4) so they can be discussed and voted on separately.

1. Consideration and action approving the minutes of the Special Council Meeting held Wednesday, November 4, 2009.
2. Consideration and action approving the minutes of the Special Council Meeting held Monday, November 9, 2009.
3. Consideration and action approving the minutes of the Regular Council Meeting held Thursday, November 12, 2009.
4. Consideration and action approving the minutes of the Special Council Meeting held Monday, November 16, 2009.

5. **Consideration and action approving Resolution R09-11-40, approving an Intergovernmental Agreement between the State of Arizona Department of Transportation (ADOT) and the City of El Mirage for the use of ARRA 2009 stimulus funds for the Peoria Avenue, Dysart Road to El Mirage Road, milling and asphalt replacement project, and for ADOT to manage said project.**
6. **Consideration and action appointing Councilor Roger Cleveland to the Commissioner Review Board to review applications and make a recommendation to the City Council for appointments to the City's Boards and Commissions. The Commissioner Review Board is made up of three (3) Council Members appointed by the Council.**
7. **Consideration and action to appoint Linda Kleiner to the Judicial Selection Advisory and Review Board (JSARB) to fill the remainder of the term of Randy Thomas expiring on March 7, 2010 and one additional three year term beginning March 8, 2010 through March 7, 2013.**

Councilmember Delgado made a motion to approve Consent Agenda items (5), (6), and (7); seconded by Vice Mayor Shapera.

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

V. REGULAR AGENDA

1. **Consideration and action approving the minutes of the Special Council Meeting held Wednesday, November 4, 2009.**
2. **Consideration and action approving the minutes of the Special Council Meeting held Monday, November 9, 2009.**
3. **Consideration and action approving the minutes of the Regular Council Meeting held Thursday, November 12, 2009.**
4. **Consideration and action approving the minutes of the Special Council Meeting held Monday, November 16, 2009.**

Councilmember Super made a motion to approve items (1), (2), (3), and (4); seconded by Vice Mayor Shapera.

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

Mayor Kern moved Regular Agenda item (E) to the top of the Regular Agenda so the item could be discussed first.

E. The Staff will update the City Council on the status of discussion with Dysart Ranchettes property owners regarding irrigation services.

City Attorney Rick Flaaen gave a presentation regarding the current status of discussions with Dysart Ranchette property owners regarding the irrigation services.

Mr. Flaaen stated that productive discussions have pursued between the city and a group of irrigation users who are currently being represented by Caroline Wells. Numerous options were discussed but most options were either not allowed under A.R.S. or are not feasible/cost effective.

Mr. Flaaen said that currently, the most feasible and cost effective means of continuing the irrigation system would be to ultimately transfer the well site and irrigation system over to the irrigation property owners. This would entail having the irrigation property owners form an organization, then the city would turn over the well and distribution system to the organization for \$1. The organization would then be responsible for operating and maintaining the well and irrigation system.

Caroline Wells – 12901 W. Desert Cove Rd.

Mrs. Wells thanked city staff for all of their hard work researching and working with the Dysart Ranchette Irrigation users. Mrs. Wells agreed that the most cost effective option would be to form an organization and have the city transfer the well and distribution system to the organization.

Robyn Freberg – 12520 W. Desert Cove Rd.

Mr. Freberg thanked city staff for all of their assistance regarding the Dysart Ranchettes irrigation issue. Mr. Freberg voiced his concern over replenishment costs for the water that is supplied to Surprise residents in the original square mile.

A. 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. (This item was postponed from the November 12, 2009 Council meeting)

Councilmember Super made a motion to remove item (A) from the table; seconded by Councilmember Delgado.

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

Councilmember Super made a motion to recommend approval to the Arizona Department of Liquor Licenses and Control regarding the request for liquor license from Jose Perez Gutierrez at 11709 W. Thunderbird Rd.; seconded by Vice Mayor Shapera.

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

B. Public Hearing to receive citizen comments regarding the request for a liquor license from Guillermo Vega Gomez at 11926 W. Thunderbird Rd.

Mayor Kern opened the public hearing.

No comments were received.

Mayor Kern closed the public hearing.

C. Consideration and action regarding making a recommendation to the Arizona Department of Liquor Licenses and Control regarding the request for liquor license from Guillermo Vega Gomez at 11926 W. Thunderbird Rd.

Councilmember Super made a motion to recommend approval to the Arizona Department of Liquor Licenses and Control regarding the request for liquor license from Guillermo Vega Gomez at 11926 W. Thunderbird Rd.; seconded by Councilmember Lewis.

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

D. Consideration and action approving Ordinance O09-12-14, amending the Code of the City of El Mirage, Chapter 90, Nuisance and Neighborhood Preservation, by amending Section 90.07, relating to the Service of Notice Requirements.

Councilmember Super made a motion to approve Ordinance O09-12-14; seconded by Vice Mayor Shapera.

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

- F. Executive Session - The Council will consider and vote on holding an executive session to meet with the City Attorney and the City's representatives to receive an update, receive legal advice, consider its position, and provide direction regarding the City's position in discussions and negotiations regarding the City of El Mirage's sustainability and quality of life in the vicinity of a military air base. (ARS §38-431.03 (A)(3)(4)(7))**

Councilmember Super made a motion to adjourn into executive session at 7:13 p.m.; seconded by Councilmember Cleveland.

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

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

Vice Mayor Shapera commented that he had a meeting with the Judge and encouraged him to fill the bailiff position.

VII. CITY MANAGER SUMMARY OF CURRENT EVENTS

Assistant City Manager Spencer Isom stated that the Dysart and Thunderbird Roads intersection improvement project is moving along smoothly.

Through the \$650,000 SAFER grant, the city is prepared to make offers to the six firefighters associated with the grant.

VIII. CALL TO THE PUBLIC

Laurie Carnal – 11201 N. El Mirage Road

Ms. Carnal voiced her disappointment over the use of city funds to send Councilmember Cleveland to out of state functions and also stated that she would like to see some type of report after returning from said functions.

Lana Mook – 11201 N. El Mirage Road

Ms. Mook stated that it is disturbing that information on public policy regarding LUKE AFB is being discussed only in Executive Session.

Francois Carnal – 11201 N. El Mirage Road

Mr. Carnal voiced his displeasure over the current salaries of top administrative officials for a city our size.

Michele Palladino – 11201 N. El Mirage Road

Ms. Palladino said that she was embarrassed to learn of Mayor Kern's language that was used to speak to the wife of a fellow Councilmember.

Dave Hodges – 24503 W. Quails Nest Lane

Mr. Hodges congratulated the Mayor and Council for standing their ground regarding the current LUKE AFB issues. Mr. Hodges said that he was concerned about losing his property rights; depreciating home values and his current standard of living if LUKE AFB lands the new F-35 mission.

IX. ADJOURNMENT

Mayor Kern adjourned the meeting at 8:13 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 December 10, 2009 and a quorum was present.


Richard Saathoff, City Clerk