

**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, JANUARY 14, 2010**

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 William Conner, Councilmember Roy Delgado, Councilmember Ben Lewis, Councilmember Adam Super.

Mayor Kern removed Regular Agenda items (I) and (J) from the agenda due to the fact that the attorney who was to handle these items had a health issue and was unable to attend.

III. **PRESENTATIONS**

1. **To recognize and present an award of valor for an El Mirage resident, Mr. Terry Tallon, whose actions saved the life of his neighbor during a house fire.**

On behalf of the El Mirage Fire Department, Assistant Fire Chief Howard Munding presented an award of valor to Mr. Terry Tallon for his heroic actions that saved the life of his neighbor during a house fire.

2. **Information regarding the General Plan Update draft – overview of process and proposed timeline to meet state requirements for citizen ratification at the General Primary Election of August 24, 2010.**

Community Development Director George Flores gave a brief overview of the General Plan process and proposed timeline.

Vice Mayor Shapera expressed his desire to hold a work study session regarding the General Plan update at the next regular scheduled meeting on January 28, 2010.

IV. **CONSENT AGENDA**

3. **Consideration and action approving the Minutes of the Regular Council Meeting held Thursday, December 10, 2009.**

4. Consideration and action approving Resolution R10-01-02, approving a plat and accepting dedications for Dysart High and Elementary School at the northeast corner of Dysart Road and Varney Road in El Mirage.

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

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

V. REGULAR AGENDA

A. Consideration and adoption of a Notice of Intention to increase irrigation water rates and setting a date for a public hearing to receive comments on the proposed increase of the irrigation water rates.

Caroline Wells – 12901 W. Desert Cove Rd.

Ms. Wells asked Council to not adopt the Notice of Intention to increase irrigation water rates and allow staff to continue working with the Ranchette irrigation users to come to an acceptable solution to the irrigation issue.

Councilmember Conner recused himself from item (A) due to a potential future conflict of interest.

Mayor Kern recused herself from item (A) due to a potential conflict of interest.

Councilmember Super made a motion to approve the adoption of the Notice of Intention to increase irrigation water rates and setting a date for a public hearing to receive comments on the proposed increase of the irrigation water rates; seconded by Councilmember Cleveland.

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

B. Public Hearing – Liquor License Requests:

Mayor Kern opened the public hearing.

1. Jeffrey Cantor, Riff Raff Bar & Grill, 13915 N. Dysart Rd.

Vice Mayor Shapera asked applicant Jeffrey Cantor if there is a camera located at the establishment.

Mr. Cantor stated that there is one exterior camera that is located in the parking lot of the plaza.

2. Randy Guse, Walgreens #06428, 15385 N. Dysart Rd.

Vice Mayor Shapera asked applicant David Holts, store manager, whether or not alcohol sales will be monitored under camera.

Mr. Holts stated that all sales are under camera surveillance.

3. Randy Guse, Walgreens #07026, 12244 W. Cactus Ave.

No comments 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 Jeffrey Cantor, Riff Raff Bar & Grill, 13915 N. Dysart Rd.

Councilmember Delgado made a motion to recommend approval to the Arizona Department of Liquor Licenses and Control regarding the request for liquor license from Jeffrey Cantor, Riff Raff Bar & Grill, 13915 N. Dysart Road; seconded by Councilmember Cleveland.

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

D. Consideration and action regarding making a recommendation to the Arizona Department of Liquor Licenses and Control regarding the request for liquor license from Randy Guse, Walgreens #06428, 15385 N. Dysart 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 Randy Guse, Walgreens #06428, 15385 N. Dysart Road; seconded by Councilmember Delgado.

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

E. Consideration and action regarding making a recommendation to the Arizona Department of Liquor Licenses and Control regarding the request for liquor license from Randy Guse, Walgreens #07026, 12244 W. Cactus Ave.

Vice Mayor Shapera made a motion to recommend approval to the Arizona Department of Liquor Licenses and Control regarding the request for liquor

license from Randy Guse, Walgreens #07026, 12244 W. Cactus Avenue;
seconded by Councilmember Super.

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

F. Public Hearing – To receive public comments on amendments to the City Code:

Mayor Kern opened the public hearing.

1. Chapter 154 regarding proposal to add “Tattoo parlors and/or piercing salons” as a conditional use in B-2, B-3, and I-2 districts.

No comments received.

2. Several proposed amendments to the provision of the Sign Regulations.

Doug Doede – 12866 W. Windrose Dr.

Mr. Doede, El Mirage Planning and Zoning Chair, stated that city staff and P&Z members worked diligently to arrive at the recommendations. The Commission believes that the proposed amendments to the Sign Regulations are a concise and comprehensive package of changes that will help benefit the city.

Hugh Flisyn – 12811 W. Willow Ave.

Mr. Flisyn said that there is continued abuse and non-enforcement of garage sale signs and lost cat and dog signs. Mr. Flisyn stated that he would like to see some type of permit system set up so that garage sales can be regulated.

James McPhetres – 12613 W. Sierra St.

Mr. McPhetres said that he believes that garage sales should be regulated by the HOA's. As for political sign regulations, Mr. McPhetres stated that they are vague and would like to see some type of mapping system as to where and how the signs can be placed.

Mayor Kern closed the public hearing.

G. Consideration and action approving Ordinance O10-01-02, amending the Code of the City of El Mirage, Sections 154.052(B), 154.027(C) and 154.075(C) to add “Tattoo Parlors and/or piercing salons” as a conditionally permitted use in City B-2, B-3, and I-2 districts.

Councilmember Conner made a motion to approve Ordinance O10-01-02; seconded by Councilmember Super.

Vice Mayor Shapera voiced his concerns over the proposed amendments.

Councilmember Super voiced his concerns over the proposed amendments.

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

H. Consideration and action approving Ordinance O10-01-01, amending the Code of the City of El Mirage, Sections 154.128 to 154.130, on Sign Regulations.

Councilmember Conner made a motion to table item (H) for 30 days; seconded by Councilmember Lewis.

Councilmember Conner amended his original motion to state that item (H) be continued for examination at the January 28, 2010 Council Work Session and then acted upon at the February 11, 2010 regular scheduled Council meeting; seconded by Councilmember Lewis.

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

- I. The Council will consider meeting in executive session to discuss with its attorneys the results of the investigation of alleged violations of the City Council Code of Conduct and consider possible action regarding said violations. (A.R.S. Sec. 38-431.01(A)(1) and (3)).

Item (I) was removed from the agenda.

- J. Consideration and action regarding violations of the City Council Code of Conduct.

Item (J) was removed from the agenda.

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

No comments were received.

VII. CITY MANAGER SUMMARY OF CURRENT EVENTS

City Manager BJ Cornwall reported that the city was awarded a grant from the Governor's Office of Highway Safety for two more new motorcycles.

Most of the underground utility work has been completed regarding the Dysart and Thunderbird Road intersection project. The next phase will consist of construction of concrete curbs, gutters and sidewalks along the roadway.

The Federal stimulus funded Peoria Avenue reconstruction project should be advertised for bids in the next month and construction will commence thereafter. Construction of this project will consist of removal and replacement of two lane existing roadway and is anticipated to be substantially completed by the end of the year.

There was a pre-construction kickoff meeting for the ADOT Grand Ave. widening project in which there will be three lanes in each direction from the 303 to the 101. Construction will begin in the next few weeks. Also included in the widening project will be substantial improvements to the landscaping within El Mirage and gateway entry signage will also be added along Grand Ave.

Mr. Thomas Schultz, El Mirage resident and artist, was selected to exhibit in the prestigious Celebration of Fine Art, a fusion of the 100 finest international artists in the world. The Celebration of Fine Art event will take place January 16th through March 28th in Scottsdale, AZ.

The Economic Development Department is hosting the Surprise Regional Chamber of Commerce Business Expo on January 23rd at the El Mirage Senior Center complex. Approximately sixty businesses have committed to attend this event. In addition to featuring El Mirage businesses, the Expo will feature restaurants, food tastings, and entertainment.

Councilmember Super departed the meeting at 7:02 p.m.

City Manager Cornwall urged all El Mirage citizens to fill out the census survey and make sure that they are counted.

VIII. CALL TO THE PUBLIC

Francois Carnal – 11201 N. El Mirage Road F-22

Mr. Carnal stated that he was in attendance tonight to support Councilmember Delgado. Mr. Carnal said that he would like to see investigations conducted for Mayor Kern, Councilmember Conner, and City Manager Cornwall due to numerous perceived allegations of breaking the Code of Conduct.

James McPhetres – 12613 W. Sierra Street

Mr. McPhetres stated that he was present tonight to support Councilmember Delgado regarding allegations that he violated the Council Code of Conduct. Mr. McPhetres said that he believes that Councilmember Delgado did not violate the Code of Conduct. Mr. McPhetres urged the Council to read the Code of Conduct and adhere to the Oath of Office that each Councilmember swore to.

Joe Ramirez – 12902 W. Peoria Avenue

Mr. Ramirez thanked Councilmember Delgado for the many years of service that he has given to this community. Mr. Ramirez said that he felt that the Council is in disarray and that they need to communicate better in order to do what is in the best interest of the city.

Joe Ramirez – 12902 W. Peoria Avenue

Mr. Ramirez said that he felt that the information that was presented at the public forum meetings regarding Luke AFB was ill-advised. Mr. Ramirez asked the Council to drop their stance towards Luke AFB.

Laurie Carnal – 11201 N. El Mirage Road F-22

Ms. Carnal questioned why the second public forum on December 15th, 2009 was held in Sun City. Ms. Carnal also stated that the money spent on the forum is an example of gross fiscal mismanagement by the Council and that the money would be better spent on improving crosswalks by the new park or by restoring services that have been cut at the Senior Center.

Jack Palladino – 11201 N. El Mirage Road

Mr. Palladino said that he was present tonight to voice his support for Councilmember Delgado against the ridiculous charges that have been brought against him. Mr. Palladino stated that Councilmember Super has a past history of city code violations concerning his yard and that there is no evidence that he is living in El Mirage. Mr. Palladino said that Councilmember Lewis' past before taking his seat on the Council was shady and questionable at best.

Lana Mook – 11201 N. El Mirage Road

Ms. Mook stated that the city should abide by the commitment that was made to the Ranchette property owners regarding irrigation and allow them to be able to continue their lifestyle unchanged. Ms. Mook said that the city is willing to spend \$45,000 in one month on fighting Luke AFB and the F-35 mission but yet are unwilling to do what is right for the Ranchette property owners.

Dan Reilly – 12905 W. Windrose Drive

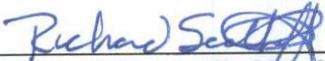
Mr. Reilly said that he believed that the Council Chambers were overcrowded and in violation of the fire code and recommended that the Council hold meetings at a different location.

IX. ADJOURNMENT

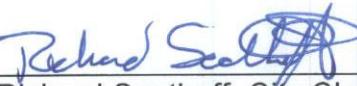
Mayor Kern adjourned the meeting at 7:24 p.m.


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 January 14, 2010 and a quorum was present.


Richard Saathoff, City Clerk