

**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, APRIL 8, 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 Roy Delgado, Councilmember Ben Lewis, Councilmember Adam Super.

III. **PROCLAMATIONS/PRESENTATIONS**

1. **Recognizing Gabriela Nolaszo-Lozano, a student at Dysart High School for being named as a “Student to Student” Ambassador.**

Mayor Kern congratulated Gabriela Nolaszo-Lozano for her achievement of being named a “Student to Student” Ambassador.

Lana Mook – 11201 N. El Mirage Road

Ms. Mook congratulated Gabriela and presented her with a donation to help cover expenses for her trip.

2. **Proclamation declaring the month of May 2010 as Building Safety Month – Commemorating a 30 Year Legacy of Leadership.**

Mayor Kern proclaimed the month of May as Building Safety Month.

IV. **CONSENT AGENDA**

3. **Consideration and action approving the Minutes of the Regular Council Meeting held Thursday, March 11, 2010.**
4. **Consideration and action approving the Minutes of the Regular Council Meeting held Thursday, March 25, 2010.**
5. **Consideration and action approving the Minutes of the Work Study Session held Thursday, March 25, 2010.**
6. **Consideration and action regarding the reappointment of JSARB board members Judge Douglas Rayes, Terrance C. Mead, Judge Lex E. Anderson, Dr. Mike Barvitz, Ralph Reaser, and Toni Brown to a**

**second three (3) year term beginning March 11, 2010 through March 7, 2013.**

- 7. Consideration and action approving Resolution R10-04-10, to allow the Police Department to apply for a Governor's Office of Highway Safety Grant to purchase new speed detection devices, a "Total Station" measuring device, portable breath testing devices, officer training and DUI enforcement overtime.**
- 8. Consideration and action approving Resolution R10-04-08, approving the plat and accepting dedications of right-of-way and public utility easements for Grand Auto Center at the southwest corner of Grand Avenue and Greenway Road.**
- 9. Consideration and action granting signature authority to the City Manager to award the contract for the security improvements at Sunnyvale and Cottonwood Well Sites to GMI General Contractor, Inc in the amount of \$159,885.01 and approve a 10% contingency in the amount of \$15,998.50. The total amount requested is \$175,873.51.**

Councilmember Delgado made a motion to approve Consent Agenda items 3 through 9; seconded by Councilmember Super.

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

## **V. REGULAR AGENDA**

- A. Consideration and action approving Ordinance O10-04-03, amending the zoning code of the City of El Mirage to permit boarding of horses on property zoned R-43.**

Councilmember Lewis made a motion to adopt Ordinance O10-04-03 amended to delete the requirement that documentation of horse ownership be kept on the property and to clarify the limitation of five horses per acre applies only to the commercial boarding of horses. The Ordinance, as amended, would add commercial boarding of horses as an accessory use to the R-43 zoning district and would read: Boarding of Horses – Minimum of one acre lot required. Commercial boarding of horses shall be limited to no more than five boarded horses per acre; seconded by Vice Mayor Shapera.

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

**B. Council will consider meeting in executive session for the following purposes:**

- 1. To discuss with the City's attorney and representatives potential litigation and the City's position in discussions intended to avoid litigation and resolve or settle a dispute that may result in litigation. (In accordance with A.R.S. § 38-431.03(A)(3) and (4).**
- 2. To discuss and conduct its annual performance appraisal of City Manager BJ Cornwall. (In accordance with A.R.S. § 38-431.03(A)(1))**

Councilmember Delgado made a motion to convene into executive session; seconded by Vice Mayor Shapera.

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

**C. Consideration and action regarding the performance evaluation of City Manager BJ Cornwall.**

Councilmember Cleveland made a motion to approve a satisfactory performance evaluation of City Manager BJ Cornwall; seconded by Councilmember Super.

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

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

Councilmember Super announced his formation of the Luke Encroachment Neutral Zone (LENZ) program. The LENZ will be an area seven miles in all directions around LUKE AFB that would be clear of all houses, domiciles, businesses, industries, and anything else that might constitute a threat. Registration forms can be obtained from Councilmember Super.

Councilmember Cleveland commented on his trip to Washington D.C. for the National League of Cities convention. Councilmember Cleveland was appointed to the Information Technology/Communications Committee and is now attending the Small Cities Council Committee meetings.

Vice Mayor Shapera thanked the Police and Fire Departments for all of their activities at the Community Picnic at Gateway Park on Saturday.

Mayor Kern announced a "Bark for Life" benefit event for the American Cancer Society on April 17<sup>th</sup> from 9:00 a.m. to 1:00 p.m. at Gateway Park.

Also, there will be a Family Fun Expo on Saturday, April 24<sup>th</sup> from 11:00 a.m. to 4:00 p.m. at Gateway Park.

Mayor Kern commended city staff for doing a great job at the Community Picnic and also thanked the citizens for coming out and participating.

**VII. CITY MANAGER SUMMARY OF CURRENT EVENTS**

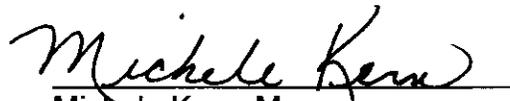
No comments were received.

**VIII. CALL TO THE PUBLIC**

No comments were received.

**IX. ADJOURNMENT**

Mayor Kern adjourned the meeting at 7:35 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 April 8, 2010 and a quorum was present.

  
Richard Saathoff, City Clerk