

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF EL MIRAGE  
EL MIRAGE CITY COUNCIL CHAMBERS  
14010 N. EL MIRAGE ROAD  
6:00 P.M., THURSDAY, OCTOBER 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: Mayor Michele Kern, Vice Mayor David Shapera, Councilmember Roger Cleveland, Councilmember Roy Delgado, Councilmember Ben Lewis, Councilmember Lynn Selby, and Councilmember Adam Super.

III. **CONSENT AGENDA**

1. Consideration and action approving the Minutes of the Special Council Meeting held Wednesday, September 22, 2010 and the Regular Council Meeting held Thursday, September 23, 2010.
2. Consideration and action requesting approval to enter into a solar energy credit purchase contract with Arizona Public Service Company for a grid-tied photovoltaic system to be located at Gateway Park, 10100 N El Mirage Road.
3. Consideration and action requesting approval to enter into a solar energy credit purchase contract with Arizona Public Service Company for a grid-tied photovoltaic system to be located at the Court/Senior Center, 14010 N El Mirage Road.
4. Consideration and action to give signature authority to the Interim City Manager to award the contract for the drilling and installation of a Production Well (City's project no PW10-W02) to ZIM Industries, Inc in the amount of \$819,412.27 and approve a 10% contingency in the amount of \$81,941.23. The total amount requested is \$901,353.50.
5. Consideration and action to approve acceptance of the Grant-in-Aid Agreement detailing an award of \$35,000 in grant funding from the Tohono O'odham Nation for the El Mirage Women's Workforce and Ecopreneur Project.

Councilor Super made a motion to approve items 1 through 5 as presented; seconded by Vice Mayor Shapera.

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

#### **IV. PUBLIC HEARINGS – NO ACTION REQUIRED**

- A. Public Hearing – Regarding the proposed annexation by the City of El Mirage of the area approximately bounded by the City of El Mirage limits on the west, the Olive Avenue alignment on the south, the Peoria alignment on the north, and the Town of Youngtown on the east.

The Mayor opened the public hearing at 6:03.

Community Development Director Flores presented a brief history of the request.

Youngtown Mayor Michael Levault is hope and optimistic that a better use can be found other than mining.

Kathy French, Aqua Fria subdivision expressed concerns regarding the mining operation and thanked the Council for involving the neighbors.

Susan McKay, Youngtown Councilor, thank you for involving Youngtown and Aqua Fria Subdivision.

The public hearing was closed at 6:09.

#### **V. REGULAR AGENDA**

- B. Consideration and action approving the Minutes of the Regular Council Meeting held Thursday, September 9, 2010.

Councilor Delgado made a motion to approve as presented; seconded by Councilor Super.

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

- C. Consideration and action requesting approval to enter into a solar power purchase agreement with El Mirage Energy, LLC for a grid-tied photovoltaic systems to be located at the Court/Senior Center, 14010 N. El Mirage Road and at Gateway Park, 10100 N. El Mirage Road.

Councilor Super made a motion to approve as presented; seconded by Vice Mayor Shapera.

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

- D. Consideration and action approving Ordinance No. O10-10-16 amending Chapter 31 of the City Code placing the authority and control of the City Attorney and City Clerk directly under the City Council, and declaring an emergency so the change will take place immediately.

Councilor Super made a motion to approve without the emergency clause; seconded by Councilor Delgado.

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

- E. Consideration and action approving a change order for the Main Street Waterline Replacement (Project #PW09-W01) to Carson Construction in the of \$88,862.35 for pavement restoration.

Councilor Super made a motion to approve as presented; seconded by Vice Mayor Shapera.

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

## VI. DISCUSSION: INFORMATIONAL ONLY – NO ACTION REQUIRED

- F. Consideration of report on the implementation of remote video arraignment system.

Judge Mapp made a brief presentation. He explained the current process and outlined the possible cost savings to the City. The Court would have a computer/camera set-up; only 1 officer would be required to go to the County. There has been a test run and it worked very well. The Court is moving forward with this process.

- G. Consideration of report and direction for further action on possible Home Detention/Electronic Monitoring System.

Judge Mapp made a brief presentation. This would require an ordinance adoption and a public hearing. Some communities only allow home detention for people with a job or a student. The cost of the device and the cost of monitoring are paid by the person being monitored. The general consensus of the Council is to move forward.

- H. Staffing and facilities for the El Mirage Fire Department – The Interim City Manager will be present along with the Acting Fire Chief and Finance Director to provide the City Council information regarding the staff of the El Mirage Fire Department and future facilities.

Interim City Manager Flaaen made a presentation regarding the costs associated with staffing the Fire Department and the facilities for the Fire Department. He recommends re-hiring 3 of the Firefighters, assuming the Union will make some concessions to the MOU. Howard Munding, Acting Fire Chief presented the list of types of services provided by the department, response times, and the number firefighters and equipment required for service calls. City Attorney states the Council can set the staffing level of the fire department. The Interim City Manager recommends this Council delay any decision regarding the second station until the new Council takes office. The bond approved in 2008 for the construction and equipping the second station. The City did not ask for maintenance costs. There was no required deadline for the construction of the second station. Flaaen recommends adoption of a Council policy stating the Fire Department have a staffing of 21 and constant staffing of 6, and delay the decision on the second station.

## **VII. EXECUTIVE SESSION**

- a) Consideration and action to adjourn into an Executive Session for the purpose of meeting with the City Attorney to discuss and provide direction regarding the City's position negotiations of the agreement with the former City Manager. A.R.S. § 38-431.01(A)(3) and (4)."
- b) Discuss the performance and employment of Presiding City Judge James Mapp. A.R.S. § 38-431.03(A)(1)

Councilor Super made a motion to approve as presented; seconded by Vice Mayor Shapera.

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

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

The Mayor thanked the Fire Department for their fund raising for the MSD. She also thanked Councilor Delgado for introducing the Air Force Bank. Councilor Delgado will be attending the Best of the West Award Banquet on October 28<sup>th</sup>.

Councilor Delgado reported on his attendance at the CDAC and the need for the City to submit its project.

Vice Mayor Shapera thanked the Fire Department for their presentation at Thompson Ranch School.

Councilor Super requested that staff look at the meeting calendar for the month of November due to the holidays.

**IX. INTERIM CITY MANAGER SUMMARY OF CURRENT EVENTS**

Interim City Manager reported at the October 28<sup>th</sup> Council meeting, there will be two (2) informational sessions: (1) Economic Development; (2) a budget report. The second third Thursday will be held on October 21<sup>st</sup>. The City of El Mirage's General Plan received a Merit Award at Valley Forward's 30<sup>th</sup> Annual Environmental Excellence Awards program.

**X. CALL TO THE PUBLIC**

Items related under this portion of the agenda cannot be discussed or acted upon by the Common Council of the City of El Mirage until the provisions of the Open Meeting Law have been complied with.

**XI. ADJOURNMENT**

Mayor Kern adjourned the meeting at 9:47 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 October 14, 2010 and a quorum was present.

  
Richard Saathoff, City Clerk