

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF EL MIRAGE  
EL MIRAGE CITY COUNCIL CHAMBERS  
14010 N. EL MIRAGE ROAD  
THURSDAY, SEPTEMBER 22, 2011**

**Minutes**

**I. CALL TO ORDER**

The meeting was called to order by Mayor Lana Mook at 6:00 p.m.

**II. ROLL CALL**

Present: Mayor Lana Mook, Vice Mayor David Shapera, Councilor Roy Delgado, Councilor Jim McPhetres, Councilor Jack Palladino, Councilor Joe Ramirez, Councilor Lynn Selby.

**III. PROCLAMATIONS/RECOGNITIONS**

1. Proclamation from the City Council of the City of El Mirage recognizing the El Mirage's Food City as being an integral part of the Community.

This item will be presented at the October Council meeting.

2. Proclamation naming the week of October 9-15, 2011, as Fire Prevention Week in the City of El Mirage.

The Mayor proclaimed the week of October 9-15, 2011 as Fire Prevention Week in the City of El Mirage.

**IV. CALL TO THE PUBLIC**

Citizens desiring to speak on a matter that IS NOT on this agenda may do so at this time. Comments shall be limited to three (3) minutes per person and shall be addressed to the City Council as a whole. At the conclusion of the Call to the Public, individual City Council Members may (1) respond to criticism made by those who have spoken (2) direct staff to review a matter, and (3) direct that a matter be put on a future agenda.

Larry Fredette spoke on the bond issue and stated that he is in favor of new police and fire department but not in favor of the YMCA, and expressed his concerns regarding the operational costs.

Kathryn Moore thanked Mayor and Council for implementing the curbside recycling program.

Laurie Carnal reported of her attempt to receive written reports for the meetings that he attended while the rest of Council was on summer break, there were no written reports.

Mrs. Carnal stated that she felt that he wasn't earning his paycheck and should return. She also stated she felt he should also issue an apology to the residents of the city.

Leslie Jury expressed her displeasure with Councilor McPhetres.

Jimmy Renteria – supports the police department and YMCA. As a former Police Officer in El Mirage can't believe that the department is still in the same building.

Doug Jones read letter addressed to Councilor McPhetres from Larry Lopez into the public record:

“Dear Councilman McPhetres;

As we are all aware, the Bond election is coming up very quickly and there are many people who are intimately involved in helping the vision of a new police station and YMCA facility become a reality. The vast majority of the El Mirage Council, members of the El Mirage Police Employee Association (EMPEA), the Fire Department, and more importantly the citizens of El Mirage are in full support of the Bond.

Having a new, state of the art police headquarters facility to replace the current dilapidated structure is a must. Not only will it provide security for both the staff and the prosecutorial evidence which is maintained with the building, it will also provide a sense of pride and boost morale within the police ranks.

Listening to your constituents, it is very clear that not only do they support their police department; they also want a place where their children can play and where senior citizens can congregate. That's where the YMCA comes in. Your constituency has spoken in support of both projects by a whopping 70% +/-.

Our AZCOPS affiliate, EMPEA and the vast majority of the City Council is in full support of the Bond; however, I have been informed that you have been rejecting the idea of promoting this Bond election, and have been actively attempting to cripple this endeavor at all costs. I have also been informed that you are unwilling to listen to other members of the Council and EMPEA President Doug Jones when this subject is broached. This is completely, and utterly unacceptable.

At a recent Council meeting I attend to support the Bond and the MOU's with police & fire, you approached me indicating that you fully support public safety. However, your words and thoughts during the meeting pertaining to the Bond for a new police station were not in line with what you said to me. You can't say you support your PD in one breath and then say something completely different in another. In doing so, you lose all credibility in our eyes.

I will remind you that it was public safety personnel who supported you during the last election. It was the EMPEA and AZCOPS that endorsed you during the election process because you repeatedly stated that public safety was your "number one priority" in El Mirage. What's changed? I find it difficult to comprehend your unwillingness to support the members of EMPEA, or AZCOPS, when you "proudly" wear the AZCOPS pin on your suit lapel. After

placing our full support behind you and discovering what's transpired since, your actions are downright offensive to all the members of AZCOPS.

Councilman McPhetres, it's time you set your ideology and political aspirations aside and listen to the people around you, more importantly your constituency who voted you into office. These are the people who aren't looking for bigger and better things, but who are looking to make their community stronger and more viable. To have a community where they can be proud to live and play and can call the City of El Mirage home for generations to come. It's time to decide whether or not you want to be part of the future of El Mirage.

AZCOPS supports the EMPEA and the citizens of El Mirage, and we are requesting you do the same by supporting the Bond.

Respectfully,  
Larry A. Lopez President, AZCOPS”

#### **V. CONSENT AGENDA**

3. Consideration and action authorizing the City Manager to execute an amendment to an agreement with AT&T to allow a new fiber optic Cable to an existing tower at Gentry Park in exchange for increased revenue.
4. Consideration and action to approve Resolution R11-09-32, a resolution of the Mayor and Council of the City of El Mirage, Maricopa County, Arizona, to authorize the City Manager to submit an application for a drinking water revolving fund loan, from the Water Infrastructure Finance Authority of Arizona.
5. Consideration and action to authorize the Finance Director to transfer budget authority as outlined in the agenda report.

Vice Mayor Shapera made a motion to approve the consent agenda items 3 and 5 as presented; seconded by Councilor Selby. Motion Carries, unanimously.

#### **VI. REGULAR AGENDA**

Consideration and action to approve Resolution R11-09-32, a resolution of the Mayor and Council of the City of El Mirage, Maricopa County, Arizona, to authorize the City Manager to submit an application for a drinking water revolving fund loan, from the Water Infrastructure Finance Authority of Arizona.

Councilor McPhetres made a motion to approve Resolution R11-09-32 as presented; seconded by Vice Mayor Shapera. Motion Carries, unanimously.

#### **A. Public Hearing – Form Based Code and Zoning Code amendments.**

Mayor Mook opened the public hearing at 6:27 p.m.

Mark Smith presented the changes since the work session held a couple of meetings ago. He also presented the difference between "traditional" and Form-Based Code zoning.

Smith explained the differences between the two (2) zoning maps.

Larry Fredette questioned the commercial development on El Mirage near the park.

Mayor Mook closed the public hearing at 6:32 p.m.

- B. Consideration and action approving Ordinance O11-09-17, approving Form-Based Code and Zoning Code amendments.

Vice Mayor Shapera made a motion to approve the Ordinance O11-09-17 and map option A, as presented; seconded by Councilor Palladino. Motion Carries, unanimously.

- C. Consideration and action approving the award of the contract for the Access Barriers at Culvert Structures Project (No. PW11-DR01) to HW Johnson Concrete in the amount of \$224,316.18 and approve a 10% contingency in the amount of \$22,431.62 for a total amount requested of \$246,747.80.

Vice Mayor Shapera made a motion to approve the contract as presented; seconded by Councilor Delgado. Motion Carries, unanimously.

- D. Presentation to review the bond website, related materials and use of fund balance.

Robert Nilles, Finance Director and Greg Swartz from Piper Jaffery presented information regarding the bond election and the projected affect on actual the tax bills. Finance Director presented information on the use of fund balance and the advantage to have a fund balance i.e. better credit rating, borrow at a lower interest rate, give a flexibility to take advantage of opportunities, and to be able to handle emergencies situations.

Tim Farley, business owner supports the police department and the YMCA bond issue.

Cindy Gentry supports the bond question.

- E. Presentation regarding potential outsourcing agreement with Expansion Dynamics to provide business license services to the City of El Mirage.

Bill Pupo, Robert Nilles and Dave Moss, Expansion Dynamics presented information regarding the agreement and the services that will be provided to the City.

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

City Manager Isom announced that the El Mirage Police Department, the Consulate General of Mexico, and AZ Peace Officer Standards and Training Board (AZPOST) have developed a law enforcement video that will be distributed state wide in coming weeks. The video is in Spanish and played to all Mexican Nationals under arrest explaining their

consular rights under the Vienna Convention on Consular Relations. This cost saving innovation will also stream line the arresting process.

A ribbon cutting ceremony is scheduled for Monday, October 10, 2011 at 9:00 am for the Solar covered parking structures at Gateway Park and the Senior Center. These structures will provide solar power to both locations and reduce City utility expenses while also providing shaded parking for visitors.

The City Manager reminding the Mayor and Councilors of the Fourth Friday Family Art Fest will be held tomorrow night, Friday, September 23<sup>rd</sup> from 6 – 9 PM.

City Manager Isom announced the save the date and asked everyone to mark their calendars for Saturday, November 19, to attend the City's 60<sup>th</sup> Anniversary Celebration. Music, food and special events are being planned for this celebration at Gateway Park. More details will be provided as the date draws closer but plan to bring the entire family and help celebrate your City's 60<sup>th</sup> birthday.

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

Councilor McPhetres thanked the city staff for bring the solar project. He stated in his opinion the bond issues shouldn't be completed at this time, he felt that combining the police facility and recreational facility was a mistake.

Vice Mayor Shapera introduced Angela Serta to Thompson Ranch Principal, classical ballet grew from 40 to 81 students, and they will be performing at the 4<sup>th</sup> Friday in October.

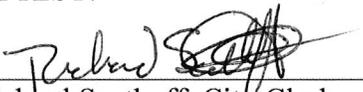
Councilor Delgado reported on his meeting regarding the City's CDBG past programs. He also reported on the changes in the type of projects eligible for CDBG funds.

#### **IX. ADJOURNMENT**

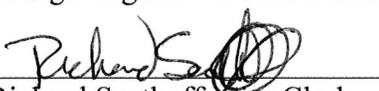
Mayor Mook adjourned the meeting 7:51 p.m.

  
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Lana Mook, Mayor

ATTEST:

  
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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 September 22, 2011 and a quorum was present.

  
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Richard Saathoff, City Clerk