

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF EL MIRAGE  
EL MIRAGE CITY COUNCIL CHAMBERS  
14010 N. EL MIRAGE ROAD  
THURSDAY, OCTOBER 13, 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**

2. Proclamation from the City Council of the City of El Mirage proclaiming October 2011 as Domestic Violence Awareness Month.

Mayor Mook proclaimed October 2011 as Domestic Violence Awareness Month 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.

**V. CONSENT AGENDA**

3. Consideration and action approving the minutes of the Work Session held Thursday, September 8, 2011, Regular Council Meeting held Thursday, September 8, 2011, Regular Council Meeting held Thursday, September 22, 2011; and the Special Council Meeting held Thursday, September 29, 2011.

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

**VI. REGULAR AGENDA**

- A. Public Hearing – Initial zoning as NR Natural Reserve with a conditional use permit for mining on approximately 240 acres east of the present City limits from Peoria Avenue to Olive Avenue. (Public comments will be limited to thirty (30) minutes)

Mayor Mook opened the public hearing at 6:03 p.m.

Michael LeVault, Mayor of Youngtown, Dr. Kathryn French, Susan MacKay, Richard Wehbe, Toby Brown, Shirley McDonald, Barb Lehm, Margaret Chittenden, Nils Roberts, Dave Lees and others expressed their concerns with the proposed mining operation and requests the City of El Mirage not zoning this property for mining.

Mayor Mook closed the public hearing at 6:33 p.m.

- B. Consideration and action to approve the pre-annexation agreement with Salt River Materials Group for approximately 240 acre property in the Agua Fria River east of the present City limits from Peoria Avenue to Olive Avenue.

Councilor Delgado left at 6:35 due receiving an emergency call and returned at 6:37.

Bill Pupo, Deputy City Manager presented the pre-annexation agreement and explained the agreement. Arizona State Law grants the mining rights. The City of El Mirage is not rezoning the land but simply annexing the land into the city with the current compatible zoning classification.

Mark Smith, Senior Planner presented a brief history of the current mining operation and the development of the Agua Fria Ranch subdivision.

Mayor Mook, read a prepared statement

“It has been alleged that the City of El Mirage plans to rezone a property for mining. In fact the City is acting to annex an area with an existing permit to mine and an active pit on the property. Mining is a legal non-conforming use of the property that has been grandfathered in since at least 1972. If the City Council votes to annex the property, it will be initially placed in the City zoning district which most closely resembles its existing Rural zoning in the County and which recognizes its existing and continuing right to mine sand and gravel from the Agua Fria River.

It has also been alleged that mining will take place within 100 feet of people's homes. In fact all mining activities must be set back behind a 10' landscaped berm set at least 75 feet from the property line which lies at least 95 feet from the property lines of residential properties with 25-foot rear setbacks so that all mining will over 200 feet from any nearby residences.

It has further been alleged that the mining activity is moving in on the residential properties when in fact mining licenses predate approval and construction of the residential development by 30 years and the subdivision in question was built on fill taken from the mining area that they now oppose. In short, the residences moved in on the mining property, not vice versa.

Mining will continue on the property regardless of annexation. The City of El Mirage is acting responsibly to ensure that the mining done on the property is made as compatible as possible with nearby properties and uses for the benefit of the City of El Mirage and its neighboring communities and that when mining ceases on the property it will be restored and redeveloped into other productive uses for the benefit of all concerned.

One million tons of gravel have been mined since 2006. That means, two lanes plus shoulders, one foot thick of gravel, actually makes 500,000 feet of road; 94.7 miles have come out of that area in the Aqua Fria between El Mirage and Youngtown. That's enough gravel to cover El Mirage to Tucson on that two lane road or almost El Mirage to Payson."

Vice Mayor Shapera made a motion to adjourn into an executive session to receive legal advice from the City Attorney; seconded by Councilor Selby. Motion Carries, unanimously.

The Council adjourned into executive session at 6:52.

The Council reconvened at 8:09

Vice Mayor Shapera made a motion continue items B & C until Wednesday, October 19<sup>th</sup> at 6:00 pm; seconded by Councilor Delgado. Motion Carries, unanimously.

- C. Consideration and action to approve Ordinance O11-10-15, annexing approximately 240-acres east of the present City Limits from Peoria Avenue to Olive Avenue and establishing the initial zoning as NR-Natural Reserve.
- D. Presentation to review the bond website, publicity, and related materials.

Finance Director Nilles presented a brief overview of the upcoming bond election and the information that can be found on the city's website.

- E. Presentation regarding proposed improvements to Gentry Park.

City Engineer Calvert presented a brief update on the proposed improvements to Gentry Park.

- F. Request that the Mayor and City Council authorize the City Manager to enter into an agreement of a Job Order Contract (JOC) for a one year term, with four (4) one-year renewal options with B&F Contracting, Inc. and Talis Corporation to provide general labor and materials for main replacement services and water production facilities.

Vice Mayor Shapera made a motion to approve the JOC with B&F Contracting and Talis Corporation as presented; seconded by Councilor Delgado. Motion Carries, unanimously.

G. Consideration and action adopting Ordinance O11-10-18 approving an amendment to the City's Code - §154.130(14) – Temporary Signs – Political Sign Regulations, with an emergency clause.

Vice Mayor Shapera made a motion to approve Ordinance O11-10-18 as presented including the emergency clause; seconded by Councilor Palladino. Motion Carries, unanimously.

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

No comments were offered.

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

The City officially went “solar” on Tuesday, October 4<sup>th</sup> when the system was turned on and it began producing power at the Senior Center facility and Gateway Park. A ribbon-cutting ceremony was held Monday, October 10<sup>th</sup>, to mark the commencement of this energy efficient cost-cutting and creative private/public partnership program.

The City Manager reported the official Notice-to-Proceed has been issued for construction of culvert barriers in the wash areas. Work is scheduled to commence by the end of October and anticipated completion is February, 2012.

The public is invited to attend a History of our Flags presentation by flag enthusiast Bill Barringer, also known as The Flag Man. He will present his unique collection of flags at the Social Hall in Sun City West on Monday, October 24<sup>th</sup> at 1:30 PM.

### **MARK YOUR CALENDARS!**

**4<sup>th</sup> Friday Family Art Fest** – October 28<sup>th</sup>, 6 – 9 PM at  
El Mirage City Plaza

Attendance is FREE – come and enjoy artwork, food and drink, costume contest, salsa challenge, and music to enjoy

**60<sup>th</sup> Anniversary & Carnival** – Saturday, November 19<sup>th</sup> – noon – 10 PM

Celebrate the City's 60<sup>th</sup> Birthday at this fun-filled event to be held at Gateway Park

City Manager Isom reported that our newest Employee of the Quarter is Senior Accountant Christy Eusebio from the Finance Department. There will be an official acknowledgement by Council at the next Council Meeting but I wanted to make the announcement this evening since we are well into the next quarter. Mayor Mook presented her with the city's commemorative coin.

Special Employee Recognition – a recent incident exemplifies the ethics and quality of city staff and I believe it is worthy of special recognition. A customer left an envelope on the Utility Billing Counter after paying their water bill. Employee Ruben Ojeda retrieved the envelope to discover it contained \$600 cash. He immediately took the envelope to his Supervisor Oni Boston and together they were able to identify the customer through a receipt also left in the envelope. They secured the money in the safe and notified the Customer who later returned to retrieve the cash. A reward offered was declined by staff. Kudos to Ruben Ojeda for his honesty

and integrity in servicing the residents of El Mirage. The Mayor would like to also acknowledge Ruben Ojeda and present him with a commemorative coin.

**IX. ADJOURNMENT**

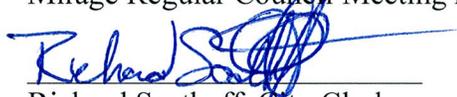
Mayor Mook adjourned the meeting 8:53 p.m.

  
\_\_\_\_\_  
Lana Mook, 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 13, 2011 and a quorum was present.

  
\_\_\_\_\_  
Richard Saathoff, City Clerk