

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF EL MIRAGE  
EL MIRAGE CITY COUNCIL CHAMBERS  
14010 N. EL MIRAGE ROAD  
TUESDAY, JUNE 19, 2012**

**Minutes**

**I. CALL TO ORDER**

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

**II. ROLL CALL**

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

**III. PROCLAMATIONS/PRESENTATIONS**

Presentation of the Fire Department's annual report for 2011. (Fire Department)

Fire Chief Howard Munding presented the 2011 Annual Report of the El Mirage Department.

**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 or respond to the matter, and (3) direct that the matter be put on a future agenda.

Roger Cleveland questioned why the "Call of the Public" is at the beginning of the meeting? He also suggests that the City Council hold a "Town Hall Meeting"

Mary Koestner expressed her opinion, elected and appointed officials should treat each other respectfully.

**V. CONSENT AGENDA**

All items listed under the Consent Agenda will be voted on with one motion. If discussion is desired regarding any Consent Agenda Item, that item will be removed from the Consent Agenda and voted on separately.

1. Consideration and action requesting that the Mayor and City Council give signature authority to the City Manager to enter into a solar renewable energy credit purchase agreement with Arizona Public Service Company (APS) for a

grid-tied photovoltaic (PV) system to be located at the new Fire Station.  
(Engineering)

2. Consideration and action approving a contract with Hills Brothers Chemical Company for Wastewater Treatment Plant Chemicals for Wastewater Treatment Plant Chemicals. (Public Works)

Vice Mayor Shapera made a motion to approve consent items 1 and 2 as presented; seconded by Councilor McPhetres. Motion Carries, unanimously.

## **VI. REGULAR AGENDA**

- A. Public Hearing - To receive citizen comments as to whether the City of El Mirage should seek voter approval for the Home Rule Option, an alternative expenditures limitation. This is the second of the required two public hearings. (City Clerk)

Mayor Mook opened the Public Hearing at 6:22.

There were no public comments offered.

Mayor Mook closed the Public Hearing and convened a Special Session at 6:22.

## **VII. SPECIAL SESSION**

- B. Consideration and action approving Resolution R12-06-24, proposing an extension of the Home Rule Option, an alternative expenditures limitation. (City Clerk)

Vice Mayor Shapera made a motion to approve Resolution R12-06-24, proposing an extension of the Home Rule Option, an alternative expenditures limitation, as presented; seconded by Councilor Palladino. Motion Carries, unanimously.

Mayor Mook adjourned the Special Session and reconvened the Regular Council meeting at 6:23.

## **VIII. REGULAR AGENDA (continued)**

- C. Public Hearing – To receive citizen comments on a request from Victory Outreach for a conditional use permit to allow a church use at Dysart Elementary School Cafeteria and Casa Mirage Apartments Clubhouse. (Development & Community Services)

Mayor Mook opened the Public Hearing at 6:24.

Mark Smith, City Planner made a brief presentation. He reported that City Code made need to be amended based on changes in State Statute.

There were no public comments offered.

Mayor Mook closed the Public Hearing at 6:28.

- D. Consideration and action on a request from Victory Outreach for a conditional use permit to allow a church use in Mixed Use with 65-70 db Idn at Dysart Elementary School Cafeteria at 12950 W. Varney Road and in Urban Corridor with 65-70db Idn at Casa Mirage Apartments Clubhouse at 12235 W. Thunderbird Road. (Development & Community Services)

Vice Mayor Shapera made a motion to approve the request from Victory Outreach for a conditional use permit to allow a church use in Mixed Use with 65-70 db Idn at Dysart Elementary School Cafeteria at 12950 W. Varney Road and in Urban Corridor with 65-70db Idn at Casa Mirage Apartments Clubhouse at 12235 W. Thunderbird Road, as presented; seconded by Councilor Delgado. Motion Carries, unanimously.

- E. Public Hearing – To receive citizen comments on a request from Marsollier Designs for YES Adventist Fellowship for a conditional use permit to allow a church use at 12400 W. Desert Cove Road. (Development & Community Services)

Mayor Mook opened the Public Hearing at 6:30.

Mark Smith, City Planner made a brief presentation.

There were no public comments offered.

Mayor Mook closed the Public Hearing at 6:35.

- F. Consideration and action on a request from Marsollier Designs for YES Adventist Fellowship for a conditional use permit to allow a church use in Rural Area with 70-75 and 75-80db Idn at 12400 W. Desert Cove Road. (Development & Community Services)

Councilor McPhetres made a motion to approve the request from Marsollier Designs for YES Adventist Fellowship for a conditional use permit to allow a church use in Rural Area with 70-75 and 75-80db Idn at 12400 W. Desert Cove Road, as presented; seconded by Councilor Delgado. Motion Carries, unanimously.

- G. Public Hearing - To receive citizen comments on a request from Becker Boards for a conditional use permit for 2 billboards along Northern Ave. (Development & Community Services)

Mayor Mook opened the Public Hearing at 6:37.

Mark Smith, City Planner made a brief presentation.

There were no public comments offered.

Mayor Mook closed the Public Hearing at 6:42.

- H. Consideration and action request from Becker Boards for a conditional use permit for 2 billboards along Northern Ave in Employment/Industry with 65-70db Idn at Premier RV and Mini-Storage at 8030 N. El Mirage Road. (Development & Community Services)

Vice Mayor Shapera made a motion to approve the request from Becker Boards for a conditional use permit for 2 billboards along Northern Ave in Employment/Industry with 65-70db Idn at Premier RV and Mini-Storage at 8030 N. El Mirage Road, as presented; seconded by Councilor Selby. Motion Carries, unanimously.

- I. Public Hearing - To receive citizen comments on a request from Dennis Zwagerman Associates for Roberts Resorts for site plan amendment. (Development & Community Services)

Mayor Mook opened the Public Hearing at 6:43.

Mark Smith, City Planner made a brief presentation.

There were no public comments offered.

Mayor Mook closed the Public Hearing at 6:50.

- J. Consideration and action request from Dennis Zwagerman Associates for Roberts Resorts for site plan amendment to allow recreational facilities in The Estates and to shift mobile home spaces to The Legacy in Mobile Park zoning with 65-70db Idn and 70-75db Idn at Pueblo El Mirage Resort at 11201 N. El Mirage Road. (Development & Community Services)

Vice Mayor Shapera made a motion to approve the request from Dennis Zwagerman Associates for Roberts Resorts for site plan amendment to allow recreational facilities in The Estates and to shift mobile home spaces to The Legacy in Mobile Park zoning with 65-70db Idn and 70-75db Idn at Pueblo El Mirage Resort at 11201 N. El Mirage Road, as presented; seconded by Councilor Palladino. Motion Carries, unanimously.

- K. Consideration and action approval of a contract with Mountain States Pipe and Supply to install an Advanced Metering Infrastructure System. (Public Works)

Mayor Mook made a motion to set aside items K & L; seconded by Vice Mayor Shapera. Motion Carries, unanimously.

City Manager Isom read the following statement into the record. "This is to advise that Councilman McPhetres raised a concern yesterday relative to Items K and L on tonight's agenda. He questions whether Public Works Director Larry Dobrosky has a conflict of interest regarding the award of a meter contract. The City Attorney, in his preliminary review of the matter, has determined Larry has disclosed his conflict. Nevertheless, the Councilman's concern moves me to ask that these items be set aside.

In the interest of transparency, I intend to rebid this item. Bid awards, by nature, can be contentious. When an objection regarding a potential conflict of interest is submitted from within, it makes it difficult for me to recommend we proceed knowing that the Councilman openly opposes a change in approach for meter replacement.

Staff intends to set aside this bid and rebid this item and would ask that the new process be allowed to work on behalf of the citizens of El Mirage. I will have Larry Dobrosky disclose to all vendors ahead of the bid process his prior relationship with one of the bidders. I will then have Larry remove himself once again.

The City hired Larry for his expertise and experience in these matters. His experience in the water meter and other industries, in my view, is an asset and should be considered as such. Unsuccessful vendors will often complain when not selected for an award. A vendor complaint does not require an abandonment of the process. I have received a complaint from a competing vendor and I am willing to go the extra mile to maintain the integrity of the City's procurement processes.

The second bid process for meter replacement will be very specific as the initial process and associated research has afforded City Staff the opportunity to identify a preferred technology and associated services with warranties.”

- L. Consideration and action approving of a fifteen (15) year Extended Product Warranty & Support/Service Agreement for the Advanced Metering Infrastructure System. (Public Works)
- M. Consideration and action to adopt of the City of El Mirage financial management policies. (Finance)

Councilor McPhetres made a motion to adopt of the City of El Mirage financial management policies, as presented; seconded by Vice Mayor Shapera . Motion Carries, unanimously.

- N. Consideration and action approving Resolution R12-06-25, a resolution of the Mayor and Council of the City of El Mirage, Arizona approving and authorizing the sale and issuance of City of El Mirage, Arizona General Obligation and General Obligation Refunding Bonds, Series 2012, in the total aggregate principal amount of not to exceed \$18,600,000 (\$14,900,000 for voter approved projects related to police, recreation, and swimming facilities and streets and \$3,700,000 for refunding bonds) and all matter related thereto; prescribing certain terms and conditions of such bonds including the delegation to the Finance Director of the City to designate the final principal amount, maturities, interest rates, and yields and other matters with respect to such bonds as well as certain matters with respect to certain bonds being refunded with the proceeds of the sale thereof; awarding a contract for the purchase of such bonds; ratifying the distribution of a preliminary official statement and approving a final official statement and declaring an emergency. (Finance)

Vice Mayor Shapera made a motion to approve Resolution R12-06-25, a resolution of the Mayor and Council of the City of El Mirage, Arizona approving and authorizing the sale and issuance of City of El Mirage, Arizona General Obligation and General Obligation Refunding Bonds, Series 2012, in the total aggregate principal amount of not to exceed \$18,600,000 (\$14,900,000 for voter approved projects related to police, recreation, and swimming facilities and streets and \$3,700,000 for refunding bonds) and all matter related thereto; prescribing certain terms and conditions of such bonds including the delegation to the Finance Director of the City to designate the final principal amount, maturities, interest rates, and yields and other matters with respect to such bonds as well as certain matters with respect to certain bonds being refunded with the proceeds of the sale thereof; awarding a contract for the purchase of such bonds; ratifying the distribution of a preliminary official statement and approving a final official statement and declaring an emergency, as presented; seconded by Councilor Delgado. Motion Carries, unanimously.

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

The Mayor and City Council may not discuss or act upon any matter in the summary unless the specific matter is properly noticed for legal action.

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

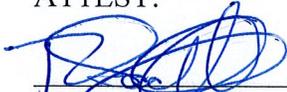
The City Manager had nothing further to report.

**XI. ADJOURNMENT**

Mayor Mook adjourned the meeting 7:05 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 June 19, 2012 and a quorum was present.

  
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Richard Saathoff, City Clerk