

**SPECIAL MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
14010 N. EL MIRAGE ROAD
TUESDAY, MARCH 12, 2013**

Minutes

I. CALL TO ORDER

The meeting was called to order by Mayor Lana Mook at 5:30 p.m. The Council led the public in the Pledge of Allegiance and a Moment of Silence.

II. ROLL CALL

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

III. SPECIAL SESSION

- A. Reconsideration and action on a motion made at the March 5, 2013 Council meeting by Vice Mayor Ramirez, seconded by Councilor Shapera; "I move to adopt the notice of intent to increase or change certain fees, including the 2013 Levy Limit Worksheet, pursuant to Arizona Revised Statutes section 9-499.15."

Staff (Finance Director Robert Nilles) provided background and explanation on this item citing state statutes and opinions provided by the League of Cities & Towns relative to posting requirements for notices of intent.

City Manager Dr. Isom read into the record a Recommendation for the FY 2013-14 Primary Tax Rate & Levy which is hereby made an attachment to these minutes.

Councilor McPhetres cited several state statutes to support his claim that the motion made at the March 5, 2013 Council Meeting was inappropriately noticed because the 2013 Tax Levy Worksheet was not included in the published agenda. Vice Mayor Ramirez and Councilors Palladino and Shapera all stated their belief that the amended motion was valid and that the notice was accurate.

City Attorney Bob Hall joined the meeting in progress at approximately 5:50 pm.

Vice Mayor Ramirez asked the City Attorney to comment on and respond to Councilor McPhetres's cited state statutes. Attorney Hall stated that State Law does not require the City to post a notice of intent but the City chose to do so in the interest of transparency. He further stated that the March 5, 2013 action was an amended motion to include a 2013 Levy Limit Worksheet that was presented at the Work Session on March 5, 2013. Since the Council was not voting on changing or adding any fees but rather on adopting to post a notice of intent, which could have been handled administratively, the amended motion was reasonable and proper. However, in the interest of transparency and to satisfy any

doubt, a simple solution would be to re-agendize and re-vote which is the intent of this meeting.

Mayor Mook inadvertently adjourned the meeting at 6:15 pm.

Councilor Shapera made a motion to re-open the meeting to allow for voting on the item before the Council; seconded by Councilor Delgado. Motion carried unanimously.

Meeting was re-opened at 6:18 pm. Vote on Regular Agenda A.

Vice Mayor Ramirez made a motion to reaffirm the motion made at the March 5, 2013 Council Meeting, seconded by Councilor Shapera; "I move to adopt the notice of intent to increase or change certain fees, including the 2013 Levy Limit Worksheet, pursuant to Arizona Revised Statutes section 90499.15." Motion carries unanimously.

IV. CITY MANAGER SUMMARY OF CURRENT EVENTS

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

City Manager Dr. Isom updated the Council on the progress of the change from two-day per week trash/recycle pickup to one-day per week pickup explaining the various notifications being sent to residents prior to commencement of the program on May 6, 2013. He further advised that the first curbside bulk trash pickup would be advertised to residents and be held in May, 2013.

In response to Mayor Mook's request at the March 5, 2013 Council meeting to have staff meet with and report on feasibility of Councilor McPhetres' water/energy concerns, he introduced staff members Larry Dobrosky and Sue McDermott to report on their findings. Public Works Director Larry Dobrosky gave an itemized report on numerous issues discussed with Councilor McPhetres regarding reclaim and reuse ideas. Two deliverables were identified and are being addressed; 1) many of the ideas are already included in the Water/Wastewater Master Plan currently underway, and 2) grant ideas for reuse will continue to be explored.

V. ADJOURNMENT

Mayor Mook adjourned the meeting at 6:35 p.m.



Lana Mook, Mayor

ATTEST:


Sharon Antes, Acting City Clerk

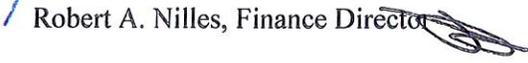
I hereby certify the foregoing minutes are a true and accurate record of the City of El Mirage Special Council Meeting held March 5, 2013 and a quorum was present.


Sharon Antes, Acting City Clerk

MEMORANDUM

TO: Mayor and City Council

FROM:  Dr. Spencer A. Isom, City Manager

APPROVED BY:  Robert A. Nilles, Finance Director

SUBJ: Recommendation for the FY 2013-14 Primary Property Tax Rate & Levy

DATE: March 12, 2013

Let me start by thanking Council, with an exception, for the trust and support you have shown this administration since the majority of you took office in December 2010. The Council inherited an organization that declared and was in the midst of a fiscal crisis. You could have ignored what needed to be done and simply rode this community into bankruptcy. Instead, you trusted management to be straight with you. You made the tough policy decisions and Staff was able to control spending. Together we turned this community from a place in turmoil to a home in which we, as citizens, can be proud. You dealt with the fiscal crisis during the worst recession in decades and placed this City on a path to sustainability and prosperity.

On the subject of the "El Mirage 2013-14 Primary Property Tax Rate," here's the history: 1) In FY 2009-10, a fiscal crisis was declared. 2) In FY 2010-11, your predecessors, in the face of the crisis, increased the Primary Property Tax Rate and the Levy. 3) In FY 2011-12, this Council, faced with declining state shared revenues, stagnant local sales tax, and a free-falling real estate market had no choice but to follow suit by increasing both the Rate and the Levy, but made a wise decision to dedicate all Primary Property Tax to support public safety operations. 4) In FY 12-13, the Council, for the very first time in the City's history, kept the Levy the same.*

It is with great pride and pleasure that I announce my intent to recommend to this Council during its upcoming budget workshop that the City maintains the current Primary Property Tax Rate which actually lowers the Levy. This will be another first for the City and a tribute to this Council's conservative approach toward changing the City's reputation and fiscal outlook.

In closing, you have shown by example that you can't just say, "no taxes." You actually have to roll up your sleeves to do the groundwork necessary to finally be able to say with good conscience that "In FY 13-14, El Mirage will not increase its Primary Property Tax Rate for its citizens." Again, this is a credit to this Council.

Note: This Council has handled the subject of "Utility Rates" in the same manner as it has the issue of City Property Tax. Again, you were handed a money losing operation that is now beginning to stabilize. Staff will discuss these Rates during the upcoming public budget workshop/work sessions.

* *City of El Mirage Voters established the City's Primary Property Tax that took effect in 2004. The City's Levy increased every year until FY 12-13.*