

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
14010 N. EL MIRAGE ROAD
TUESDAY, JUNE 18, 2013**

Minutes

I. ROLL CALL

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

II. CALL TO ORDER

The meeting was called to order by Mayor Lana Mook at 6:02 p.m.

III. PRESENTATION

- P1. Presentation of plaque to Brigadier General Michael D. Rothstein, Commander, 56th Fighter Wing and James “Rusty” Mitchell, Director, Community Initiatives Team, for securing the F-35 mission.

Mayor Mook introduced Brigadier General Rothstein and Community Initiatives Director Mitchell from Luke Air Force Base and offered them the opportunity to address the Council and citizens.

General Rothstein thanked the Council and El Mirage for supporting the mission and stated Luke leadership cannot do what they do without community support. The current Mayor and Council, given the challenges posed by El Mirage in the past, were specifically recognized by the General as integral in presenting unified West Valley support for securing the F-35 mission. When asked when the F-35s would arrive at Luke AFB, the General was able to say the mission was on track and could be expected by May 2014 barring any change in the current schedule. The future appears very solid for the F-35 mission and he thanked the Council and community for honoring Luke AFB.

Director Mitchell also thanked this Council and community stating he was actively engaged with this community and witnessed no greater change in position than that of El Mirage due to the leadership of the current Mayor and Council. Luke AFB cannot sustain its mission without the community’s support. He also commented that General Breedlove, previous Commander of Luke’s 56th Fighter Wing, sends his personal thanks to the Mayor for her support (General Breedlove has moved to his new position as a top NATO commander).

Mayor Mook announced to Luke officials and citizens present two initiatives the City of El Mirage would be involved with over the next few years. The first is an initiative

involving the State Senate and the State Department of Veteran Services titled the Vietnam Commemorative Program. The program calls for municipalities to hold at least two annual events to honor Vietnam veterans and their families during the special commemorative three-year period of 2014 – 2017. She invited Luke officials to help identify appropriate ways to honor Vietnam veterans.

The second initiative involves exploring the possibility of creating a permanent memorial to honor all branches of the military for their contributions specific to the Iraq and Afghanistan conflicts. She requested additional discussions with Luke AFB concerning the memorial's concept and placement in El Mirage.

Mayor Mook then presented General Rothstein and Director Mitchell with framed photos/plaques to congratulate them on securing the F-35 mission.

The meeting was recessed at 6:15 pm for citizens to have an opportunity to meet and talk to General Rothstein and Director Mitchell.

The meeting reconvened at 6:25 pm.

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.

Resident Amy Heusted, Relay for Life Team Development Chair, reminded all that the upcoming Cancer Relay for Life event will be held at Gateway Park on September 21, 2013. She presented Mayor Mook her team captain's packet for her team "We Not Fit." All participating so far were thanked for their efforts and she continued to encourage others to join the effort.

Resident Jason Tanner expressed his concern for agenda item # 3 relative to the importance of obtaining sealed bids and that bidding was a good business practice. Not bidding could raise concerns regarding the appropriateness of the City procurement practices.

Resident Jeremy Pottle thought the previous meeting agenda item relative to hiring clerks for the Court would be addressed at this meeting. Even though the matter was not on the agenda, he stated his research indicates there is no good evidence for having speed cameras which he believes are ineffective.

Resident Jennifer Tanner piggybacked on Resident Pottle's comments stating that hiring of the clerks was tabled, and then they were subsequently hired as "temporary." She inquired how was "temporary" defined. Tabling would provide for further discussion and the hiring did not provide transparency for Council decisions.

City Manager Dr. Isom addressed the hiring concerns by responding that the information Mr. Pottle and Ms. Tanner received was uninformed and incomplete. The three clerk positions are not because of a problem with the Redflex cameras, but rather with an issue concerning backlogged disposition of citations that recently came to light. A subcommittee of the Council was recently informed by Judge Mapp that there are 2000 outstanding warrants that have not been addressed and a backlog of 40,000 citations that need to be handled. The Court Clerk asked the subcommittee to address this matter. The City Manager notified Council of the immediate need to address the backlog based on feedback from the Council subcommittee and approved the three positions on a temporary basis in a timely manner.

Mayor Mook elaborated on the City Manager's explanation, providing a history of events involving the Judge and his lack of notification to Council of the backlog until recently. Prior to knowing there was a backlog, a Council subcommittee suggested an audit of the Court processes to which the Judge originally agreed, then rescinded and behaved unprofessionally toward the Council at a Council meeting last year. She advised that the Judge proposed to address the outstanding warrants and traffic citations by placing newspaper ads and waiving the citations, but was told by both the Superior Court and the Council subcommittee that doing so was not allowed. She clarified that the Judge reports to the Council and not the City Manager. Because of the immediate need, the City Manager hired three clerks temporarily to address the 2,000 outstanding warrants and 40,000 outstanding traffic citations.

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 approving the minutes of the Work Session and Regular Council Meeting held Tuesday, June 4, 2013. (City Clerk)
2. Consideration and action to appoint P & Z Commissioners to fill one vacant position for a one-year term ending 6/30/2014 and three vacant positions, each for two-year terms ending 6/30/2015. (Council)
3. Consideration and action to authorize the City Manager to enter into the attached goods and services contracts, exercise future contract extensions, and to waive the competitive bid process pursuant to the City Code § 30.23. (Public Works).

Councilor Shapera moved to remove Consent Item 3 from the consent agenda and vote on this item on the Regular agenda; seconded by Councilor Delgado. Motion carried unanimously.

Vice Mayor Ramirez moved to approve the consent agenda items 1 and 2 as presented; seconded by Councilor Palladino. Motion carried unanimously.

VI. REGULAR AGENDA

- A1.** Consideration and action to authorize the City Manager to enter into the attached goods and services contracts, exercise future contract extensions, and to waive the competitive bid process pursuant to the City Code § 30.23. (Public Works)

Once this item was removed from the Consent Agenda, DCM/Public Works Director Larry Dobrosky presented the request and remarked that he agreed with Resident Tanner's bidding/transparency concerns expressed under the Call to the Public. He stated that all quotes and bidding processes are followed according to City Code and explained these were for services and products that were under cooperative agreements with either the State or other municipalities to garner the best price. His intent was to advise Council that while purchase of these materials was often under the \$30K threshold individually for various Enterprise budgets, collectively the costs were well over \$30K for several vendors and he wanted to be sure Council was made aware if this situation.

Councilor McPhetres remarked that bidding on government contracts was important. Councilor Shapera noted he reads the Dysart Unified School District's agendas and the school district also piggybacks onto other contracts as a cost saving measure. Dr. Isom stated the City does, in fact, follow the City's procurement code, citing the recent rejection of bids as an example.

Vice Mayor Ramirez moved to authorize the City Manager to enter into specific contracts as identified in Council Agenda A1 (Item 3 removed from Consent Agenda) as presented; seconded by Councilor Shapera. Motion carried unanimously.

- A. Consideration and action to approve entering into a solar power purchase agreement with EMPS Solar Array, LLC for a grid-tied photovoltaic system to be located at the El Mirage Police Station, 12401 W. Cinnabar Avenue.

DCM/City Engineer Sue McDermott presented a PowerPoint presentation on both Item A and B – Item A is a purchase agreement for installation of solar panels at the Police Station and Item B is a purchase agreement for installation of solar panels at City Hall. Mr. Michael Norris from Solar Array, LLC was present at the meeting.

Councilor Delgado asked why panels were not planned for the south side of the City Hall parking lot and Mr. Norris explained they were in a shaded area and would not be as effective. Councilor McPhetres asked about the pricing structure and was informed these contracts are identical in nature to the Fire Station solar panels where the City pays a fixed kw/h price and savings generated from the panels went to EMPS Solar for the first 20 years; then becomes the property of the City. Vice Mayor Ramirez asked about the life span of the panels and was informed the technology was for approximately 35 years and efficiency could expect to be at about 85% after 25 years.

Vice Mayor Ramirez moved to approve the solar power purchase agreement with Solar Array, LLC for solar panel installation at the new police station; seconded by Councilor Palladino. Motion carried unanimously.

- B. Consideration and action to approve entering into a solar power purchase agreement with EMCH Solar Array, LLC for a grid-tied photovoltaic system to be located at the El Mirage City Hall, 12145 NW Grand Avenue.

Vice Mayor Ramirez moved to approve the solar power purchase agreement with Solar Array, LLC for solar panel installation at City Hall; seconded by Councilor Palladino. Motion carried unanimously.

- C. Consideration and action to award the contract for the Bus Bays at Thunderbird and 129th Avenue, Project No. EM12-ST02) to RK Sanders in the amount of \$170,118.62 and approve at 10% contingency in the amount of \$17,012.00 for a total amount requested of \$187,130.62. Also request that the Finance Director make the appropriate budget and cash transfers in FY 13-14 to fund the project.

DCM/City Engineer Sue McDermott described the bus bay construction stating \$200K for the project was funded from Prop 400 through Valley Metro/RPTA. A subcommittee of the Council chose the final design.

Vice Mayor Ramirez moved to award the contract for the Bus Bay project to RK Sanders as presented; seconded by Councilor Delgado. Motion carried unanimously.

- D. Consideration and action to reject the bids that were received for the WWTP Post Filtration Improvements, Project No. EM12-WW01.

DCM/City Engineer Sue McDermott explained that all sealed bids received for this project were well over the budgeted amount which are WIFA grant funds; the project specs would be re-written and the project re-bid if Council approves rejection of bids received.

Vice Mayor Ramirez moved to reject the bids received for the WWTP Post Filtration project as presented; seconded by Councilor Delgado. Motion carried unanimously.

VII. 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 informed there would be a MCDOT road closure on Sarival Avenue between Northern and Olive Avenue from late June to early August, 2013. He reported the first day of the new monthly Maricopa County CAP program assisted sixteen El Mirage families on June 10, 2013. The Police Department has taken possession of three new patrol vehicles which were parked out front of Council Chambers for all to inspect after the meeting. The topping off ceremony of the Police Department was held this morning and he remarked on the smoothness of this vertical construction. The YMCA Family Center groundbreaking ceremony has been scheduled for August 1, 2013. He concluded by advising that his office was always open for questions concerning

agenda items, news articles, or other issues and provided his personal cell number of 623-203-5011 for contact.

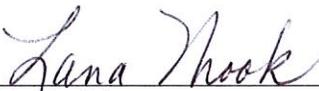
VIII. MAYOR'S COMMENTS and COUNCIL SUMMARY OF CURRENT EVENTS

Vice Mayor Ramirez and Councilor Delgado advised that four new Planning & Zoning Commissioners were appointed under the Consent Agenda and recognized one of the Commissioners, Frank Carnal, who was present at this meeting.

Mayor Mook commented on the topping off ceremony of the new Police Station and stated the project is a moving ahead very smoothly. She also stated that this Council is serving the citizens of El Mirage within the constraints they have to work with and all Council members are available to answer questions. The Mayor answers all communications directed to her.

IX. ADJOURNMENT

Mayor Mook adjourned the meeting at 7:25 p.m.



Lana Mook, Mayor

ATTEST:



Sharon Antes, 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 18, 2013 and a quorum was present.



Sharon Antes, City Clerk