

**SPECIAL MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
14010 N. EL MIRAGE ROAD
TUESDAY, JULY 9, 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 6:30 p.m.

III. 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 Dan Reilly advised he was attempting to secure a stone in remembrance of all Veterans and stated when ready he would request permission from Council to place the memorial rock in the City's Community Garden.

IV. 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 to approve a new Automatic Aid Agreement for Fire Protection and other Emergency Services pursuant to El Mirage City Code §34.31. (Fire)
2. Consideration and action to adopt Resolution R13-07-21 accepting a Public Utility Easement (PUE) from the Arizona Conference of Seventh-Day Adventist Church located at 12400 W. Desert Cove Road, El Mirage, Arizona. (Development and community Services)

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

V. REGULAR AGENDA

- A. Public Hearing to discuss proposed Ordinance O13-07-11 amending the Zoning Code of the City of El Mirage, § 154. 131 Flags and Flagpoles. (Development and Community Services)

DCM/City Engineer Sue McDermott presented background and purpose of amending the current Flagpole Ordinance which affects mostly commercial properties and allows for a 100 foot flagpole rather than the current 35 foot restriction.

Resident Dan Reilly commented he agreed with the amendment when applied to businesses and not residential areas.

Councilor Shapera stated he felt the proposed change was a reasonable request. Councilor Delgado asked for clarification that this change would not be available to residences and was advised that it only includes businesses, mobile home parks and golf courses. Councilor McPhetres asked about higher flag poles being allowed in HOA common areas and was advised that as proposed, it would not be allowed. Councilor Selby asked if Luke AFB had been contacted and was advised that they had and gave their concurrence with the proposed changes.

- B. Consideration and action to approve Ordinance O13-07-11 amending the Zoning Code of the City of El Mirage, § 154. 131 Flags and Flagpoles. (Development and Community Services)

Vice Mayor Ramirez moved to approve Ordinance O13-07-11 amending the Zoning Code of the City of El Mirage, § 154. 131 Flags and Flagpoles; seconded by Councilor Shapera. Motion carried unanimously.

- C. Consideration and action to adopt Resolution R13-07-23 declaring a public record that certain document titled “Chapter 153 – Floodplain Management.” (Development and Community Services)

DCM/City Engineer Sue McDermott presented the need to clarify records to ensure that the City’s Floodplain Manager is defined as the Flood Control District of Maricopa County.

Councilor McPhetres asked if this change would affect his homeowner’s insurance and was advised that it would not have any effect on his current insurance. Nor would the work currently underway at Cactus and El Mirage Road have any impact on this action before Council.

Councilor Delgado moved to adopt Resolution R13-07-23 declaring a public record that certain document titled “Chapter 153 – Floodplain Management.”; seconded by Councilor Shapera. Motion carried unanimously.

- D. Public Hearing to discuss proposed Ordinance O13-07-12 to be County-dependent for Floodplain Management to the Flood Control District of Maricopa County through Resolution R13-07-23. (Development and Community Services)

No comments from the public.

- E. Consideration and action to adopt Ordinance O13-07-12 to be County-dependent for Floodplain Management to the Flood Control District of Maricopa County through Resolution R13-07-23. (Development and Community Services)

Councilor Delgado moved to adopt Ordinance O13-07-12 to be County-dependent for Floodplain Management to the Flood Control District of Maricopa County through Resolution R13-07-23; seconded by Vice Mayor Ramirez. Motion carried unanimously.

- F. Consideration and action to award the contract for the Purchase, Installation and Warranty of an Advanced Metering Infrastructure (AMI) System, Project No. PW13-AMI101R to Mountain States Piping & Supply in the amount of \$3,640,229.27. Also request that the Finance Director make the appropriate budget transfer fund the project. (Development and Community Services)

DCM/Public Works Director Larry Dobrosky gave PowerPoint presentation on background and purpose of the water meter replacement project. DCM/City Engineer Sue McDermott explained the bid process and selection of Mountain States Piping & Supply as presented to Council for action.

Councilor Shapera asked if the company was bonded and was advised yes. Councilor Delgado questioned 1) if company was local; Sue advised they have a local office in Peoria, and 2) how long will residents be out of water during installation; Larry advised a typical replacement is approximately 15-30 minutes and residents will be provided advance notice of scheduled replacement. Vice Mayor Ramirez wondered why only two bids were received and was advised by Larry that not only did the technology play a part in the restricted bids but the specs required a true partnership with the City that required a 15 year warranty from the bidder. Councilor Palladino asked who the resident would call if there is a problem, the City or the Contractor; Larry answered they would call the contractor with support from the City.

Councilor Selby asked how the City controls the Contractor on behalf of residents should they encounter a problem; Larry advised that the Contractor has 72 hours to resolve the issue after which the City can repair and bill the Contractor though he clarified some issues, such as water pressure, would be the responsibility of the City in any case. He asked about battery replacement and was advised they are warranted for 15 years. Councilor McPhetres asked about the requirements after the 15 year warranty has expired and was advised by Larry that the WIFA loan is for 20 years and future review will be needed toward year 13 and 14 of the warranty period to re-evaluate the needs at that time. Councilor McPhetres was concerned about whether savings was actually be generated and was advised by Larry that using the current method is a cost effective approach and would save approximately \$3M plus provide advanced systems. Councilor McPhetres also asked what the difference was in the original bid that was too high and the current bid from Mountain States. Sue replied that the specs were revised to address questions received and changed the way some of the items were bid; also provided corrected

information from the Dept of Labor regarding wages. Councilor Selby inquired whether the City would receive any residual and was advised by Larry that the City would indeed receive scrap metal revenue from the old meters.

Vice Mayor Ramirez moved to approve awarding a contract for the Purchase, Installation and Warranty of an Advanced Metering Infrastructure (AMI) System, Project No. PW13-AMI101R to Mountain States Piping & Supply in the amount of \$3,640,229.27 and that the Finance Director make the appropriate budget transfer fund the project; seconded by Councilor Shapera. Motion carried 6-1; Councilor McPhetres cast a Nay vote.

- G. Consideration and action for Council to review its options pursuant to El Mirage City Code § 33.15(D)(3)(a) 1. and 2. at the request of the Judicial Selection Advisory and Review Board. (City Attorney)

City Attorney Bob Hall explained the formation of the Judicial Selection Advisory and Review Board (JSARB) with newly appointed members who held a meeting recently to comply with City Code and explained the composition of the JSARB. Judge Mapp's term expires in September, 2013 and he explained that the JSARB, after their first meeting, requested a Council decision on which action to proceed with according to code for filling the judicial vacancy; either seek applications, interview and present Council with recommendations for a Presiding Judge, or conduct background, qualification investigations, and interviews for reappointment for the office of current Presiding Judge. The JSARB is scheduled to meet again July 10, 2013.

Councilor Shapera moved to request the JSARB assess the current presiding Judge pursuant to City Code; seconded by Councilor McPhetres. Motion carried unanimously.

VI. 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 advised the CAP services will hold appointments for El Mirage residents on Monday, July 22, 2013. The first curb side bulk trash event was held in May 2013 and by all accounts was well received by residents. DCM/Public Works Director Larry Dobrosky gave a PowerPoint presentation recapping the results of the first curb side pick-up in partnership with Parks & Sons. Dr. Isom expressed thanks to Parks & Sons for a great partnership.

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

Councilors Shapera, Delgado, Selby, McPhetres, Palladino, Vice Mayor Ramirez and Mayor Mook all expressed satisfaction with the service of Parks & Son and all commented on the need for residents to be responsible in following rules set forth for future curb side events.

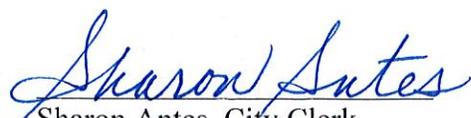
VIII. ADJOURNMENT

Mayor Mook adjourned the meeting at 6:39 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 July 9, 2013 and a quorum was present.



Sharon Antes, City Clerk