

**WORKSHOP MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
14010 N. EL MIRAGE ROAD
4:00 P.M. TUESDAY, FEBRUARY 4, 2014**

Minutes

I. ROLL CALL

Present: Mayor Lana Mook, Vice Mayor Joe Ramirez, Councilmember Roy Delgado, Councilmember Jack Palladino, Councilmember Lynn Selby, Councilmember David Shapera

Absent: Councilmember Jim McPhetres

II. CALL TO ORDER

The meeting was called to order by Mayor Lana Mook at 4:00 p.m.
Pledge of Allegiance
Moment of Silence

III. PRESENTATION

P1 Presentation from Maricopa County Elections Department regarding information on all-mail ballots

Ray Valenzuela, Assistant Director of the Maricopa County Elections Department, gave Council a presentation on facts regarding the All-Mail Ballot process.

Fifty nine percent of the registered voters in El Mirage already have ballots mailed to their homes and the opportunity to vote early because they are registered and placed on the Permanent Early Voting List (PEVL); El Mirage currently has 12,545 registered voters with 7,384 (equaling 59%) on the Permanent Early Voting List (PEVL).

Numerous benefits of the All-Mail Ballot process were explained that include cost savings, security, convenience, efficiency and accuracy:

- A Polling Place Election would cost \$32,786 for El Mirage versus an All-Mail Election cost of \$26,595; a savings of \$6,190. Polling places require staffing and extra ballots to be printed.
- All-Mail ballots save voters postage as ballots are postage paid.
- All-Mail Ballots save voters on the cost of gasoline because they don't have to drive to a polling location.
- All-Mail voting is the most secure form of voting because the County checks each and every signature against the voter's registration form.
- All-Mail voting allows voters to more carefully review and study the ballots rather than casting rushed votes in a voting booth.
- All-Mail voting eliminates the need to re-work schedules since the ballot needs only to be voted, sealed, signed in the affidavit envelope and dropped in the mail at the voter's convenience; OR ballots can also be delivered to any early voting or City Clerk replacement ballot location; locations are open 26 days prior to election day.

- All-Mail voting has shown to increase voter participation because of the convenience.

Ballots will be mailed on July 31st for the Primary election and must be in Maricopa County Elections possession by 7:00 PM on Election Day, August 26th.

Councilor Shelby asked if the County could provide information on the advantages and disadvantages for the City to use in informing the public. Mr. Valenzuela responded that because of the number of elections being run at any given time, providing printed material would be cost prohibitive for the County but they do advertise general information regarding elections and encouraged the City to use that information to inform voters about All-Mail Ballot elections. Councilor Selby further asked if the City would have a voting location and was advised that the City Clerk's office would most likely be designated as a "Replacement Ballot Location," and the City Clerk would operate the site after training is provided by the Maricopa County Elections staff.

Councilor Delgado commented on a past practice of residents collecting ballots from voters and taking large quantities of ballots to Maricopa County Elections Department before Election Day. Mr. Valenzuela pointed out there is no law to prevent any voter from giving their ballot to another individual, however, all signatures are checked and if a perceived improper handling of ballots is reported in writing, Maricopa County Elections will immediately investigate.

Vice Mayor Ramirez thanked Maricopa County Elections for the presentation stating he believed the All Mail Ballot process will save money for the City and provide more security.

Councilor Palladino stated he observed at the last election a large number of people at the polls just dropping off ballots already voted.

P2 Presentation by League of Arizona Cities and Towns regarding information on permanent base adjustment

Arizona Cities and Towns Executive Director Ken Strobeck gave a presentation regarding Permanent Base Adjustment, explaining the history and difference between Alternative Expenditure Limitation (known as Home Rule) and Permanent Base Adjustment (PBA).

Arizona Constitution Title 9 established a spending limitation base for cities as of 1979-80. Cities are required to obtain voter approval for spending above the state imposed limit which is known as Home Rule; it is a spending limit, not a revenue limit. The voter approval process for the Home Rule Option must be repeated every four years. Another option for cities is to obtain voter approval for re-setting the base amount by establishing a projected increase over the 1980 base taking into account more recent costs and services provided by cities and which is known as a Permanent Base Adjustment (PBA). Approval of a PBA eliminates the need and cost of requiring voter approval every four years of an alternative expenditure limitation. In

both cases the Auditor General reviews all information prior to presentation to voters. Mr. Strobeck noted a PBA is very appropriate for communities who have come close to or attained their expected maximum growth.

Finance Director Robert Nilles explained the question of PBA to voters could take place at either the Primary or General Election and staff would be available to present the facts and answer questions regarding a proposed PBA. He noted it is important to note that a PBA is NOT A TAX, and the City is still responsible for and required to prepare and present for Council approval an annual balanced budget.

Dr. Isom thanked Mr. Strobeck for the League’s continued support and for coming to the City of El Mirage to inform the Council and the residents regarding the PBA. Mayor Mook stated the City celebrated their 60th Anniversary in 2011 with specially made coins and she presented one to Mr. Stobeck and thanked him for coming to their Council meeting.

IV. ADJOURNMENT

Mayor Mook adjourned the Work Session at 5:36 p.m.

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
14010 N. EL MIRAGE ROAD
6:00 P.M. TUESDAY, FEBRUARY 4, 2014**

Agenda

I. ROLL CALL

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

II. CALL TO ORDER

The meeting was called to order by Mayor Lana Mook at 6:00 p.m.
Pledge of Allegiance
Moment of Silence

III. PRESENTATION

PI Presentation by League of Arizona Cities & Towns Executive Director Ken Strobeck and/or League General Counsel William Bock on Arizona Statutes pertaining to Eminent Domain

Arizona League of Cities and Towns Executive Director Ken Strobeck gave a presentation to Council regarding the laws and regulations of Eminent Domain. The United States Constitution provides for Eminent Domain and there are very

specific laws to ensure the process. Cities are required to pay “just” and “fair” market value for property as is determined by appraisals.

Arizona League of Cities and Towns Legal Counsel William Bock was introduced and further explained that the power of eminent domain is held by the sovereign - in this case the State of Arizona. And the State has delegated that power to cities and towns per Arizona Revised Statutes (A.R.S.) Title 9 and Title 12 but limited by federal and state constitutions. The process requires the City to first obtain one or more appraisals for property to be purchased and an offer made for compensation relative to fair market value. In addition to just compensation, the City must also pay relocation fees. If the property owner is not satisfied with the offer, the property owner can obtain an independent appraisal. Should negotiations fail, eminent domain requires a court process. State law determines specific requirements for residential and commercial properties and the eminent domain tool is permitted for street, road and park improvements.

Dr. Isom thanked Mr. Strobeck and Mr. Bock for coming to the Council meeting and for always providing the City with timely and responsive support. He encouraged Councilors to pose any questions to Mr. Strobeck or Mr. Bock at this time.

Councilor McPhetres stated he stands on his belief that eminent domain is an unacceptable way for cities to do business.

Councilor Delgado requested the exhibit maps from this presentation be put on-line and was informed by Mayor Mook that they would be posted at a later date.

Vice Mayor Ramirez asked Mr. Strobeck if he knew of other cities who stated they would not use eminent domain. Mr. Strobeck reported none he was aware of and that they always know the power is there. Vice Mayor Ramirez stated some people might feel their property is being taken by threat. Mr. Bock explained there is a progressive process for notification of the city’s interest in purchasing a property, obtaining an appraisal, negotiating a price and securing an equitable settlement. If, however, a property owner does not accept the City’s offer and a settlement cannot be reached, their option is to have the Courts decide. He also pointed out that property owners also receive relocation funds and assistance in finding property of at least the same value.

Mayor Mook reported she and Dr. Isom met with land owner John Long in 2010 and asked him what would be necessary to transform land into something of benefit to El Mirage. The answer was “transportation.” Thunderbird Road is stagnant and needs redevelopment. The El Mirage/Thunderbird Road Project is a \$54,000,000 project costing El Mirage only \$6,000,000 because of the agreement with the Maricopa Association of Governments (MAG).

Mayor Mook reported she received a letter from a lady in Grande Mirage who was upset because she believed the City was going to take property from the front of her subdivision that would impact the value of adjacent homes. She had received a letter from a Councilor/ HOA Board Member stating inaccurate

information regarding the improvement plans for the subdivision frontage. Mayor Mook responded with facts about the project and received a reply from the resident thanking her for the accurate information. Mayor Mook stated the City is not out to “steal” anyone’s property; every effort to accommodate and fairly negotiate with property owners would be made and adherence to the strict laws of eminent domain, should the need arise, would be followed.

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/or (3) direct that the matter be put on a future agenda.

No cards were submitted.

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 Regular Council Meeting held Tuesday, January 7, 2014 and the Regular Council Meeting held Tuesday, January 21, 2014. (City Clerk)
2. Consideration and action to reappoint Cynthia Marano to the Public Safety Personnel Retirement System (PSPRS) Local Board of the Police and Fire Department for a four-year term beginning February 4, 2014 through February 4, 2018. (Human Resources)

Vice Mayor Ramirez moved to approve all items on the Consent Agenda; seconded by Councilor Delgado; Motion carried unanimously (7/0).

VI. REGULAR AGENDA

- A. Consideration and action to approve Resolution R14-02-06 in support of restoring Highway User Revenue Funds (HURF) distribution to Cities, Towns, Counties and State Highways. (Finance)

Finance Director Robert Nilles explained that gasoline sales provide tax revenues that were funneled back to the cities and towns. The City is not asking the State to return funds that have been reduced over the past three years rather the cities are petitioning the State to not take HURF funds from the cities in the future.

Vice Mayor Ramirez moved to approve Resolution R14-02-06 in support of restoring Highway User Revenue funds (HURF) distribution to Cities, Towns, Counties and State Highways; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- B. Consideration and action to give signature authority to the City Manager to amend the existing professional services contract with Tierra Right of Way to add Phase III & IV for providing acquisition and relocation services for the El Mirage Road and Thunderbird Road projects. (Development & Community Services)

City Engineer Jorge Gastelum reported this is part of the El Mirage Road and Thunderbird Road Improvement Project. Phases I and II have been approved previously and the request before Council is to approval Phases III and IV.

Danny Rodrigues, from the City's consultant Tierra Right Of Way, explained their proposed acquisition and relocation process for the identified areas shown in the presentation. Property owners have been notified of the City's interest in purchasing their property and the next step is obtaining appraisals, followed by negotiations and anticipated settlements. Tierra's responsibilities include informing property owners of the City's interest in their property, educating the property owners of the acquisition and relocation process, acquiring professional real estate assistance, and ensuring all parties receive fair and equitable treatment.

Mayor Mook asked if the number of residential properties to be acquired (entire parcel) is five or six and the remaining properties are frontage portions to which Mr. Rodriguez replied her understanding is correct. Vice Mayor Ramirez said the City has the best interest of its citizens in mind during this process.

Resident Amy Heusted stated the identified parcels have names associated with them and they are not just parcel numbers. These residents have worked hard to pay for their homes that are paid off. She is not comfortable taking their homes from them.

Resident Jennifer Clayborn stated she had just heard about the intent to use eminent domain. She understands the City is trying to improve some of the downtown area but does not feel it should be by taking the homes of people who have worked hard to own their property.

Mr. Rodriguez responded that if a property is paid-off, owners would be placed in a home also paid-off and tenants will receive rental assistance for a period of 42 months to cover the difference, if any, between rent paid now and the rent at a new location.

Mayor Mook asked Mr. Rodriguez if property owners are afforded a thorough educational process and was advised that numerous meetings are held with property owners and every effort is made to ensure property owners are fully informed and given an opportunity to consider every step of the process, including transportation to look at new houses.

Councilor Shapera moved to approve giving signature authority to the City Manager to amend the existing professional services contract with Tierra Right of Way to add Phase III & IV for providing acquisition and relocation services for the

El Mirage Road and Thunderbird Road Projects; seconded by Vice Mayor Ramirez. Motion carried (6/1). Nay vote cast by Councilor McPhetres.

- C. Public hearing, closure of public hearing, followed by Council's consideration and action for Family Dollar Store site plan approval and approval of the terms and conditions of an Infrastructure Reimbursement and Participation Agreement in the Urban Corridor zoning district within the Thunderbird Road Overlay District. (Development and Community Services)

City Engineer Jorge Gastelum gave an overview of the proposed 8,300 square foot building including a green space adjacent to a proposed bus shelter along Thunderbird Road. This will be the first project adhering to the design of the Thunderbird Overlay District. Staff recommended approval of the Site Plan and Reimbursement and Participation Agreement. Patrick Lowery of Family Dollar explained it is a pre-manufactured building with natural material façade. Dr. Isom explained the \$135,000 costs are reimbursable funds in the El Mirage Road and Thunderbird Road project.

Vice Mayor Ramirez moved to approve the Family Dollar Store site plan and the terms and conditions of an Infrastructure Reimbursement and Participation Agreement in the Urban Corridor zoning district within the Thunderbird Road Overlay District; seconded by Councilmember Shapera. Motion carried unanimously (7/0).

- D. Consideration and action to approve Resolution R14-02-04 calling for a Primary and General Election, designating the election dates and purpose of elections, designating the deadline for voter registration, designating the election format, and designating the place and first and last date for candidates to file nomination papers. (City Clerk)

Vice Mayor Ramirez moved to approve Resolution R14-02-04 calling for a Primary and General Election, designating the election dates and purpose of elections, designating the deadline for voter registration, designating the election format, and designating the place and first and last dates for candidates to file nomination papers; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- E. Consideration and action to approve Resolution R14-02-05 directing that a question proposing a permanent base adjustment to the 1979-80 base expenditure limitation of the City of El Mirage, Arizona be placed on the August 26, 2014 Primary Election ballot. (Finance)

Finance Director Robert Nilles pointed out that staff can only present facts to residents and must not communicate either pro or con. Elected officials are able to promote the PBA as long as they do not use City funds.

Vice Mayor Ramirez moved to approve Resolution R-14-02-05 directing that a question proposing a permanent base adjustment to the 1979-80 base expenditure limitation of the City of El Mirage, Arizona be placed on the August 26, 2014 Primary Election ballot; seconded by Councilor Delgado. Motion carried unanimously (7/0).

VII. CITY MANAGER SUMMARY OF CURRENT EVENTS

Dr. Isom recognized IT staff members Director Tom Bacome, Pat Timlin and Aldo Elizondo for their efforts in handling a last minute internet connectivity issue just minutes before this council meeting. They also did a phenomenal job setting up the Police Department. The IT staff provides excellent internal customer service not usually seen by the public and he wanted to acknowledge their behind-the-scenes efforts. He advised that the FY 2014/15 budget process is underway and department heads are submitting their individual department budgets. He commented that this Council and the previous Council conducted a citizen survey to determine if there was a want/need for a recreational facility and the residents of El Mirage responded with a request for a YMCA. The City now has a wonderful new Police Station and will soon have a phenomenal recreational facility. Soft tours for Council and staff will be conducted as construction nears completion. The City is running well and projects are coming together

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

Councilor Shapera and Mayor Mook met with School Board member Jennifer Tanner and Superintendent Gail Pletnick to discuss common goals and projects between the City and the School. It was very positive meeting and discussions are moving forward.

Councilor Delgado reported the photocopier was removed from the library as the County contract was cancelled for cost cutting measures. He contacted the County Library Director who agreed to allow residents use of the office copier for their per-copy cost.

Vice Mayor Ramirez thanked staff for inviting Maricopa County Elections and the League of Arizona Cities and Towns to this Council Meeting and for their excellent presentations.

Mayor Mook reported it is her job to see citizens receive the correct information from their elected officials and she will continue to do so in any form necessary.

IX. ADJOURNMENT

Mayor Mook adjourned the meeting at 7:36 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 on February 4, 2014 and a quorum was present.


_____, Sharon Antes, City Clerk