

**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., WEDNESDAY, AUGUST 13, 2014**

Minutes

I. ROLL CALL

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

Excused: Councilmember Roy Delgado

II. CALL TO ORDER 6:00 P.M.

Pledge of Allegiance
Moment of Silence

III. PROCLAMATION

PI. Proclamation to recognize Child Support Awareness Month, August, 2014
(Administration)

Intergovernmental and Public Relations Manager Amber Wakeman presented the purpose and background for the proposed proclamation in recognition of Child Support Awareness Month.

Mayor Mook officially proclaimed the month of August, 2014 as CHILD SUPPORT AWARENESS MONTH.

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.

This item was moved to the end of the agenda by Mayor Mook.

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 to approve minutes of the Special Council Meeting held Thursday, June 26, 2014, the Regular Council Meeting held Tuesday, July 1, 2014, and the Work Session of the Council held Thursday, July 10, 2014. (City Clerk)
2. Consideration and action to approve the destruction of municipal documents that have reached the end of their retention period as authorized under A.R.S. §41-151.19. (City Clerk)
3. Consideration and action to approve the destruction of municipal documents that have reached the end of their retention period as authorized under A.R.S. §41-151.19. (Building Safety)
4. Consideration and action to authorize the City Manager to Utilize the State of Arizona contract #ADSP014-074945, with Ferguson Enterprises, for utility system parts and materials in an amount not to exceed \$50,000.00. (Public Works)
5. Consideration and action to authorize the City Manager to enter into a contract with Legend Technical Services Laboratory for routine analytical testing for water and wastewater in the amount of \$40,000.00. (Public Works)
6. Consideration and action to approve a contract with Millenium Products Inc. for four (4) portable sign boards in an amount not to exceed \$65,986.36. (Public Works)
7. Consideration and action to approve a contract with Nexus IS, utilizing State of Arizona contract #ADSP012-024622, to purchase and implement a Cisco Unified Contract Center Express (UCCX) software system, in the amount not to exceed \$60,000.00. (Public Works)

Councilor McPhetres made a motion to remove Consent Agenda No. 6; no second was received. Motion failed.

Vice Mayor Ramirez moved to approve all items as presented on the Consent Agenda; seconded by Councilor Shapera. Motion carried (5/1). Nay vote cast by Councilor McPhetres.

VI. REGULAR AGENDA

- A. Consideration and action to authorize the City Manager to enter into a contract with Coury's Auto Service for vehicle maintenance and repairs on City vehicles in the amount not to exceed \$125,000 annually. (Public Works) (**Formerly Agenda Item E**)

Operations Superintendent Bob Senita introduced this agenda item and explained the bidding process. Three proposals were received and Coury's Auto Service was the highest rating lowest bid. One concern was the safety of City vehicles while at the facility. All vehicles would be kept inside the building except for some of the Public Works Trucks which are too large; they would be kept in a block fenced in area with concertina wire around the top. Councilor McPhetres asked if there was a guarantee to use OEM replacement fluids/parts in City vehicles and was advised yes by Mr. Senita; they were included in the bid specs.

Vice Mayor Ramirez moved to authorize the City Manager to enter into a contract with Coury's Auto Service for vehicle maintenance and repairs on City vehicles in the amount not to exceed \$125,000 annually; seconded by Councilor Shapera. Motion carried unanimously (6/0).

- B. Consideration and action to renew and approve a contract with BizConnectPro for Business licensing services. (Finance) (*Formerly Agenda Item A*)

Finance Director Robert Nilles introduced Mr. Dave Moss from BizConnectPro (BCP) regarding business licensing services. Mr. Moss stated that BCP is pro-business and that with innovating technology the capacity of the system is increasing. Business licenses can be obtained on-line to start a business or renew an existing license. Less than 50% of businesses had e-mail addresses when the system was implemented and now nearly all businesses have e-mail addresses on file. Business license payments can be made on-line using the City's bill pay system. Survey results from BCP show that 58.9% of responding businesses said BCP has improved their perception of El Mirage, 6.8% said BCP did not improve their perception of El Mirage and 30.1% said there was no difference. Councilors Selby and Shapera asked what process is in place for renewal reminders. Mr. Moss reported that a Notice for Renewal is sent to all businesses on file at the end of November, a second notice is sent in December along with phone calls as follow up. A third renewal notice is sent in March as a Final Notice. Real time data is available to staff for follow up and implementation. Councilor McPhetres asked if BizConnectPro checks to see if businesses are still actively doing business. Mr. Moss reported some businesses shut their doors and do not notify BizConnectPro; after multiple notifications with no response, the business is placed in inactive status but not terminated because they may still be doing business.

Vice Mayor Ramirez moved to approve a contract with BizConnectPro for business licensing services; seconded by Councilor Shapera. Motion carried unanimously (6/0).

- C. Consideration and action to approve Resolution R14-08-18 amending Chapter 150 – BUILDING of the City Zoning Code and declaring the Resolution and update included in Exhibit "A" as a public record for publishing per A.R.S. §9-802. (Fire, Building & Life Safety) (*Formerly Agenda Item B*)

Building Official Mary Dickson explained that when the Building Code was updated last year, some items were inadvertently deleted and need to be replaced. Minor changes were also made to dispense with portions that no longer exist such as the Uniform Building Code which has not been in existence since 2000. Councilor McPhetres stated he has a problem with the violations portion and the possibility of multiple violations on the same incident. Ms. Dickson reported State statute dictates those fines; the City does not determine those amounts. Councilor McPhetres does not understand why the misdemeanor portion of the violation is in our Code. Ms. Dickson stated it has been in the code since she came to the City and she does not know when it was instituted. Councilor McPhetres' next question regarded green energy construction; he asked if the City was making green energy mandatory in the City's building code? Ms. Dickson reported that on the contrary, there are two different codes; the Green Construction Code

and the Building Code are two different things. Last year when the Green Energy Building Construction Code was adopted it was as a voluntary or overlay code.

Vice Mayor Ramirez moved to approve Resolution R14-08-18 amending Chapter 150 – BUILDING of the City Zoning code and declaring the Resolution and update included in Exhibit “A” as a public record for publishing per A.R.S. §9-802; seconded by Councilor Shapera. Motion carried (5/1). Nay vote cast by Councilor McPhetres stating he opposed the Penalty portion of the code.

- D. Consideration and action to approve Ordinance O14-08-07 amending Chapter 150 “BUILDING” and adopting and making a part of the El Mirage City Code that certain document titled “Chapter 150 – Building Code” and declared to be a public record by reference in Resolution R14-08-18. (Fire, Building & Life Safety) (*Formerly Agenda Item C*)

Ms. Dickson stated the Ordinance approval would replace the removed items and update items noted in the Building Code by reference through approved Resolution R14-08-18.

Vice Mayor Ramirez moved to approve Ordinance R14-08-07 amending Chapter 150 – “BUILDING” and adopting and making a part of the El Mirage City code that certain document titled ‘Chapter 150 – Building Code’ and declared to be a public record by reference in Resolution R14-08-18; seconded by Councilor Shapera. Motion carried (5/1). Nay vote cast by Councilor McPhetres re-stating his opposition to the Penalty portion of the code.

- E. Public Hearing, closure of public hearing, followed by consideration and action to approve Resolution R14-08-17 setting fees for digital billboards and fees for general merchandise (i.e., caps, pens, stickers, etc.) (Development & Community Services and Finance) (*Formerly Agenda Item D*)

City Manager Spencer Isom reported there was further research needed on Section 1 of the proposed resolution inasmuch as the one-time fee may not be a sufficient charge; a monthly charge is often customary in addition to a one-time fee as is done in other cities. He suggested removing Section 1 of the resolution and voting only on section 2 dealing with the general merchandise fees.

Public Comment: No comments received.

Finance Director Robert Nilles advised that Section 2 of the proposed resolution was to allow for fees to be charged for miscellaneous items such as t-shirts, caps, stickers, etc. at City events and gave examples of the Luke Air Force Base support stickers and t-shirts. Councilor McPhetres asked what brought this issue to Council and Mr. Nilles explained that while it is not necessary to take the 60-day notice requirement to Council according to the League of Arizona and Towns, staff does so in order to continue the precedent of transparency. The City is reinventing itself and promoting the positive activities of the City; the sale of these items is intended to recoup the costs of the items. Mayor Mook said residents are interested in promotional items and want to be proud of the City in

which they live. Any extra funds received will be used for veteran promotion. Councilor Shapera noted that the City of Surprise has a "Surprise Store" in which they sell T-shirts, mugs, etc. and believes this activity will be a positive thing for the City of El Mirage. Mr. McPhetres stated this is taxpayer money and he wants to be sure the money is accounted for and profits are tracked. Dr. Isom stated this Resolution gives the City the authority to sell general merchandise at a reasonable price to recoup the cost to the City. Any additional funds would be invested in special events, etc. that benefit the City.

Councilor Shapera made a motion to postpone Section 1 and approve Section 2 of Resolution R14-08-17 for General Merchandise; Seconded by Vice Mayor Ramirez. Motion carried unanimously (6/0).

- F. Consideration and action to approve acceptance of the FY 2014/2015 program year DPS-VOCA Award Grant Funds for Police Victim Assistance Coordinator position. (Police Department)

Assistant Police Chief Terry McDonald reported this is the second amount to be awarded from the grant approved by Council last year. The funding is approximately \$91,000. Iva Rody reported the Police Department has been able to increase their Domestic Violence Services with the aid of this grant.

Vice Mayor Ramirez moved to approve acceptance of the FY 2014/2015 program year DPS-VOCA Award Grant Funds for the Police Victim Assistance Coordinator position; seconded by Councilor Shapera. Motion carried unanimously (6/0).

- G. Consideration and action to approve purchase of three (3) new police vehicles under Arizona State Contract #ADSPO13-038802 that were approved in the FY 2014/2015 budget. (Police)

Assistant Police chief Terry McDonald informed Council these three new vehicles would replace three vehicles that will be rotated out. Dr. Isom commented the CIP fund that includes vehicle rotation was not done in the past. It is important for the City to maintain this rotation program each year to improve the safety of Police vehicles.

Vice Mayor Ramirez moved to approve the purchase of three (3) new police vehicles under Arizona State Contract #ADSPO13-038802 that were approved in the FY 2014/2014 Budget; seconded by Councilor Palladino. Motion carried unanimously (6/0).

IV. CALL TO THE PUBLIC (moved from earlier in the meeting)

Resident Amy Heusted had wanted to request Consent Item #6 be removed from the Consent agenda but since that was decided before hand too there was no discussion/comment from the public. She stated she considers it a slap in the face to public safety and the Fire department and that the \$66,000 could have hired another fireman for the year. The LAFB shirts are already on sale at the Water Department for \$15.00 each. She is concerned her character is being attacked because of some statements she made on Facebook. She has merely asked questions and is not getting any answers. She is not

criticizing anyone personally. Ms. Heusted claimed Council has reported decreases in fuel usage but she has seen no evidence. She would also like to see evidence of shortened Fire Department response time. Council has claimed to have increased the Rainy Day Fund to \$6,000,000 but the last council had a Rainy Day Fund of \$6,000,000. Council has raised water rates three times in two years. The Mayor lobbied the state for SB 1226 to impose a tax on the City of El Mirage that did not exist anywhere else in the state. She stated she wanted to have justification for the basketball court at Cactus Park when no other HOAs got city-funded basketball courts. Although the City claims to have slashed the budget by \$2.2M it has actually increased the budget by nearly \$50M over the last 3 budgets. She has filed FOIA requests regarding the termination/resignation of Fire Chief Howard Munding and has not received a phone call as to when the information will be available. There has been no chip seal or replacement of water meters in the old town. She does not understand why Council lies about subsidies for the YMCA. The contract clearly states we will subsidize them if they fail.

Resident Laurie Carnal officially informed Council that the Friends of the El Mirage Library group have disbanded. They have tried for several years to increase membership but could not get enough participants. Their books will go to other area libraries and remaining funds will be transferred to the Maricopa County Library District with the stipulation it be used for the Summer Reading Program in El Mirage. She thanked everyone for their support and encouragement.

Resident Laurie Carnal also stated she has been made aware of a rumor that residents of Pueblo El Mirage do not pay water bills to the City of El Mirage. She then held up her water bill from the Pueblo El Mirage for City of El Mirage water usage. Her bill shows that the City of El Mirage bills the Pueblo El Mirage for the water and then the Pueblo El Mirage bills each lot in the facility, the same as all other residents in El Mirage including any increases.

Resident Steve Gilliam stated he was inquiring about the business license contract item on the agenda and would like to know the definition of "business." In his HOA there are many homes that are rentals either managed by companies who own or manage property or by private individuals. Considering there are 1600 homes in his HOA with a large number of rentals that could potentially be a considerable amount of sales tax revenue lost by the City. He also said there are other types of companies advertising locally who go to peoples' homes to do work such as painting, etc. He recently received a quote from one such company and wondered how these businesses are checked to determine if they have a City business license or whether they are collecting and paying sales tax. He requested that Staff review this matter and Mayor Mook informed him she will have staff research and get back to him.

Resident Bob Jones is very pleased with the recent Dysart Road improvements and gave kudos to staff for making El Mirage a safe and beautiful place to live. Well done. He also clarified, as President of the Cactus Park HOA, that the basketball court at Cactus Park was, in fact, entirely paid for with Cactus Park HOA funds and did not cost the City of El Mirage one dime.

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.

The City is currently accepting vendor applications for the first-ever Farmers' Market to be held Thursday, October 9th at Gateway Park from 7:00 am to 1:00 pm. The Vendor Application Packet is available on the homepage of the City's website at www.cityofelmirage.org.

Dr. Isom introduced newly appointed Fire Chief Jim Wise, who became the Fire Chief effective Monday, August 4, 2014. Jim received his BA in Public Safety Administration at Grand Canyon University. In his new role as chief he will oversee Emergency Services, Fire, and Building and Life Safety.

Dr. Isom also introduced Fire Fighter Juan Rodriguez who was appointed August 13, 2014 as El Mirage's first Administrative Battalion Chief. Juan has 20 years' experience in fire service; 17 years as a Fire Captain with the COEM Fire Department. He attained his paramedic certification in 2008. Juan has also been assigned to serve as Acting Fire Chief and Acting Battalion Chief.

Dr. Isom then brought Assistant Police Chief Terry McDonald forward to introduce Corbin Claxton to Council, the newest member of the El Mirage Police Force. Officer Claxton addressed Council and gave a brief background of his experience prior to coming to El Mirage.

Dr. Isom concluded his report with informing Council of current YMCA statistics received from YMCA Senior Executive Libby Corral. She reported that since they have been open for the past 75 days nearly 3500 individuals have signed up for membership that includes 1000 families of which 450 families are residents of the City of El Mirage. They have had 27,000 visits to the YMCA, given 220 swim lessons so far this summer, had 20 youths per day who participated in the Summer Day Camp, and had 50 people participate in a single evening ZUMBA class. The response has been so positive that they have also expanded their hours to stay open later in the evenings.

VIII. 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.

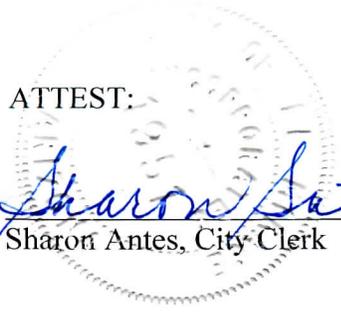
City Council members had no comments to make at this time.

IX. ADJOURNMENT:

The meeting was adjourned at 7:16 P.M.

By: Lana Mook
Lana Mook, Mayor

ATTEST:


Sharon Antes
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 August 13, 2014 and a quorum was present.

Sharon Antes
Sharon Antes, City Clerk