

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
14010 N. EL MIRAGE ROAD
6:00 PM - TUESDAY, May 5, 2015**

Minutes

I. ROLL CALL

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

II. CALL TO ORDER

The Meeting was called to order at 6:00 PM.
Pledge of Allegiance
Moment of Silence
Silence Cell Phones & Pagers

III. PRESENTATION

PI. Presentation outlining past utility rate actions (Finance)

Assistant Finance Director Christy Eusebio reviewed past utility rate actions. Black and Veatch provided a rate study in 2004 with no verification that their data assumptions were actually occurring. A new rate study was done by Red Oak Consulting in 2010 and recommended rate increases to generate required revenue for a self-sustaining fund. Council approved rate increases in 2012 and 2013 per the recommendation of the Red Oak study. Red Oak then discovered that the City was losing revenue because water customers in the City of Surprise were not paying for sewer as well as some City of El Mirage residents not connected to the sewer system. The resulting revenue losses also impacted the City's recharge credits and in 2012, Council adopted a recharge rate for all customers not included in the system. Once the recommended additions were in place and the losses abated, the Council stated in 2013, that barring any unforeseen conditions, there would not be a need to increase rates for a period of 5 years.

Councilor Delgado questioned why the recharge rate included a tax and was advised by Finance Director Robert Nilles that there is a tax on water but no tax on sewer and sanitation.

IV. PROCLAMATION

PR1. Proclamation to declare May 10 – 16, 2015 as National Police Week (Police)

Police Chief Campbell stated that in 1962 John F. Kennedy designated May 15th as Peace Officers' Memorial Day and the week in which May 15th falls is also National Police Week. All government buildings fly their flags at half mast in memory of Law Enforcement members who lost their lives in the line of duty.

Mayor Mook read the proclamation, "Now, therefore, I, Mayor of the City of El Mirage, call upon all patriotic, civic and educational organizations to observe the week of May 10-16, 2015, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of El Mirage to observe Friday, May 15, 2015 as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes."

PR2. Proclamation to declare May 17 – 23, 2015 at National Public Works Week (Public Works)

Deputy City Manager Larry Dobrosky reported the theme this year is "Community Begins Here." He then reflected back to 5 years ago when employees were disgruntled and discouraged and praised the changes that have occurred with direction from the new Council. Two major achievements in Public Works through the direction of this Council are (1) the purchase of extinguishment credits and (2) implementation of a pavement maintenance plan. The City is being recognized nationally for the pavement maintenance plan in place and Mr. Dobrosky was recently invited to address elected officials, City engineers and Public Works staff in Utah regarding the City's innovative pavement maintenance plan.

Mayor Mook declared "Now, therefore, I, Lana Mook, Mayor of the City of El Mirage, do hereby proclaim the week of May 17-23, 2015 as 'National Public works Week' in the City of El Mirage and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life."

V. 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 Public Comment Cards were received.

VI. 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, April 21, 2015. (City Clerk)
2. Consideration and action to authorize membership renewal in the Arizona Metropolitan Trust (“the Trust”). (Human Resources)
3. Consideration and action to approve Resolution R15-05-08 declaring as public record that certain document titled Ordinance O15-04-04 to convey real property, located in the Cactus Park Estates subdivision to the Cactus Park Estates Homeowners Association. (Development and Community Services)

Vice Mayor Ramirez moved to approve all Consent Agenda Items as presented; seconded by Councilor Delgado. Motion carried unanimously (7/0).

VII. REGULAR AGENDA

- A. Consideration and action to adopt Resolution R15-05-07 providing for all matters necessary for the sale and issuance of not to exceed \$2,000,000 aggregate principal amount of general obligation bonds of the City and delegating to the City Finance Director the authority to determine certain matters necessary in connection therewith. (Finance Department)

Finance Director Robert Nilles stated Mr. Greg Schwartz, representative from Piper Jaffrey, was scheduled to present this resolution but was unable to attend this meeting due to illness. Mr. Schwartz, however, did a thorough presentation at the Council’s budget workshop held Monday, May 4, 2015 and Mr. Nilles said would answer any additional questions.

Councilor Delgado asked when the City would be meeting with the bond agencies and was informed by Mr. Nilles they are scheduled for the week of May 11, 2015.

Vice Mayor Ramirez moved to adopt Resolution R15-05-07 providing for all matters necessary for the sale and issuance of not to exceed \$2,000,000 aggregate principal amount of general obligation bonds of the City and delegating to the City Finance Director the authority to determine certain matters necessary in connection therewith; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- B. Consideration and action authorizing the City Manager to enter into an architectural services agreement with Architekton to design the new City Hall (Project No. EM15-F01) in an amount not to exceed \$678,887.00. (Development and Community Services)

Development and Community Services Director/City Engineer Jorge Gastelum reported the design RFQ notice was published on February 5th and eight Statements of Qualifications were received by March 5th. The Selection Review Committee shortlisted four companies after review on March 16th and the shortlisted companies were interviewed on March 30th and 31st. The Selection Review Committee recommended Architekton on April 2nd and their scope of work and fee proposal was determined to be in an amount not to exceed \$678,887.00. Mr. Gastelum presented a PowerPoint presentation that reviewed the site of the facility on El Mirage Road and Mountain View Road and stated the process complies with Arizona Revised Statutes. He then introduced Principal Owner Joe Salvatore from Architekton who commented briefly on the overall project, complemented the working relationship with El Mirage staff, and stated the final design would be staff driven.

Councilor Delgado asked if Architekton is a local company and Mr. Salvatore responded their company is only in Arizona and they have been located in downtown Tempe for 26 years. They have worked with 30 different cities in Arizona.

Vice Mayor Ramirez stated he desires something aesthetically pleasant but mostly functional. Mr. Salvatore reported they are experts at this very process and will be guided by staff, research and budget. They want to provide a building the City will be proud of for many years to come. He mentioned they are noted for their use of space and commented they also designed the YMCA here in the City of El Mirage.

Councilor Jones stated he is confident staff will do an excellent job and he is excited to move forward with this project.

Councilor Selby echoed Councilor Jones' comments but wants to be sure no change orders will come forward in the future. Mr. Salvatore reported change orders should be zero and he described the CM@Risk process.

Mayor Mook stated she is very pleased with the YMCA and City Hall should be excellent.

City Manager Dr. Isom reported Mr. Salvatore worked closely with staff to make the YMCA happen and gave a history of the productive relationship in completing the YMCA project.

Vice Mayor Ramirez moved to authorize the city Manager to enter into an architectural services agreement with Architecton to design the new City Hall in an amount not to exceed \$678,887.00; seconded by Councilor Palladino. Motion passed unanimously (7/0).

- C. Continuance from April 21, 2015 of the public hearing, closure of public hearing, followed by Council's consideration and action for GPA14-05-25, a major amendment to the 2010 General Plan, proposing to change Transit Oriented Development to Residential at the NW & NE corners of Grand Avenue and Thompson Ranch Road. (Development and Community Services)

City Attorney Bob Hall was pleased to announce that there have been several excellent days of negotiation but that a bit more time was needed to finalize all documents. He recommended continuing to May 19, 2015. A letter, similar to continuance requests in the past, will be forthcoming from the Thompson Ranch attorney and will be attached to and made a part of these minutes.

Mayor Mook opened the Public Hearing; no public comments were received; Mayor Mook closed the Public Hearing.

Vice Mayor Ramirez moved for a continuance to May 19, 2015 for the GPA 14-05-25, a major amendment to the 2010 General Plan, proposing to change Transit Oriented Development to Residential at the NW & NE corners of Grand Avenue and Thompson Ranch Road; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- D. Public hearing, closure of public hearing, followed by Councils' consideration and action to recommend to the Arizona Department of Liquor Licenses & Control approval of an application for a sampling license for Shell #115 at 12170 N. El Mirage Road. (Police Department)

Mayor Mook opened the Public Hearing.

Police Chief Steve Campbell stated this Sampling Permit request is an amendment to an existing liquor license. A Sampling Permit will allow samples of beer, wine, and liquor to be offered at no charge. Sampling must be coordinated by the brewer, vintner, distillery, etc. of the product being sampled. The applicant, Mr. Howard Magee, was present to answer questions. He reported on a number of items; by the end of the month new price signs and other signage

should be in place, construction on the new Subway restaurant is underway, the car wash is still in the design stage but should be ready to begin in a few weeks; if approved tonight, the liquor samplings will be of craft beers from the State of Arizona, and Shell recently presented a \$5,000 scholarship to Dysart High School.

Councilor Jones observed this type of sampling at Sam's Club and is excited about it coming to El Mirage.

Mayor Mook asked how often the liquor samplings would be offered and was informed it would be every two weeks. She commended him for his scholarship to the youth of El Mirage.

Councilor Shapera asked how they were going to advertise outside of the station and Mr. Magee informed him there would newspaper ads and flyers.

Councilor Delgado congratulated Mr. Magee on the improved appearance of the building.

Vice Mayor Ramirez stated it is a pleasure to see changes already completed and those coming forward at this location; and he thanked Mr. Magee for being a part of the community.

Councilor Jones reported he is glad to see a new car wash sign going up and he appreciates the car wash being there.

Councilor Selby echoed all other comments.

Councilor Palladino stated he was excited to see the car wash and looks forward to it opening.

Vice Mayor Ramirez moved to recommend approval to the Arizona Department of Liquor Licenses & Control on an application for a sampling license for Shell #115 at 12170 N. El Mirage Road; seconded by Councilor Shapera. Motion carried unanimously (7/0).

VIII. EXECUTIVE SESSION

- E. Consideration and action to adjourn into executive session for discussion and consultation for legal advice with the City Attorney in accordance with A.R.S. § 38-432.03 A. 3. (Administration)

Dr. Isom requested Items IX and X be moved up to before the Executive Session.

IX. 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.

Dr. Isom reported that the Cinco de Mayo event was very successful and complemented Special Events Coordinator Jeffrey Anderson for his enthusiastic coordination of these events. He also commended Mr. Dobrosky for turning the Public Works department around and making it become an asset to the community; they do more with less and Mr. Dobrosky manages very well.

X. 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.

Councilor Shapera stated the Dysart/Cactus Road improvement is very good and he also believes the photo cameras at the school are a good idea.

Councilor Delgado thanked Mayor Mook and staff for a successful budget meeting. He thanked Larry for the cleanup of debris on 125th Avenue, Peoria Avenue and Varney Road. He appreciates the Public Works Department and the work they do.

Vice Mayor Ramirez noticed that Public Works employees are showing enthusiasm at Special Events and he realizes there is a lot that goes on behind the scenes.

Councilor Jones expressed his thanks to department heads for an outstanding job presenting their budgets at the Budget Workshop. The Cinco de Mayo event had 25 excellent vendors and he is pleased special events are growing.

Councilor Selby thanked Mr. Nilles and his staff for the budget meeting.

Councilor Palladino complimented staff regarding the budget process and commented on Public Works and Police Explorers, stating the City has a great staff.

Mayor Mook stated she is very proud of staff and what they do with the funding available.

Vice Mayor Ramirez moved to adjourn into Executive Session at 6:55 for discussion and consultation for legal advice with the City Attorney in accordance with A.R.S. § 38-432.03 A.3; seconded by Councilor Delgado. Motion carried unanimously (7/0).

Vice Mayor Ramirez moved to close the Executive Session at 8:42 PM and reconvene into Regular Session at 8:47 PM, seconded by Councilor Delgado. Motion carried unanimously (7/0).

XI. **ADJOURNMENT**

The meeting was adjourned at 8:48 PM.



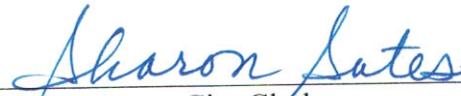
Lana Mook, Mayor

ATTEST:



Sharon Antes, City Clerk

I hereby certify the aforementioned minutes are a true and accurate record of the City of El Mirage Regular Council Meeting held on May 5, 2015; and a quorum was present.



Sharon Antes, City Clerk