

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
14010 N. EL MIRAGE ROAD
4:00 PM – TUESDAY, October 6, 2015**

Minutes

I. ROLL CALL

Present: 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

Meeting was called to order at 4:01 p.m.

Pledge of Allegiance

Moment of Silence – Councilor Delgado dedicated this Moment of Silence to Mr.

Richard Ojeda, an El Mirage employee who recently passed away.

Silence Cell Phones & Pagers

III. 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 Regular Council Meeting held Tuesday, September 1, 2015 and the Regular Council Meeting held Tuesday, September 15, 2015. (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. §41-151.12. (City Clerk)
3. Consideration and action to approve the destruction of personnel records that have reached the end of their retention period as authorized under A.R.S. §41-151.12. (Human Resources)
4. Consideration and Action to authorize the City Manager to enter into a contract with Legend Technical Laboratory for required water and wastewater testing, in the amount not to exceed \$70,000 annually, and pursuant to City Code Section §30.23(B). (Public Works)

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

IV. REGULAR AGENDA

- B. Public hearing, closure of public hearing, followed by consideration and action to recommend to the Arizona Department of Liquor Licenses & Control approval of an application for a sampling license for Wal-Mart Supercenter #4336, 12900 W. Thunderbird Road. (Police Department)

Mayor Mook opened the Public Hearing.

Police Chief Terry McDonald reported on the background check conducted and advised Council that there were no objection from the Police Department for recommending approval of this sampling license to Wal-Mart.

Hearing no public comment, Mayor Mook closed the Public Hearing.

Vice Mayor Ramirez moved to approve the recommendation to the Arizona Department of Liquor Licenses & Control for approval of a sampling license for Wal-Mart Supercenter #4336; seconded by Counsellor Delgado. Motion carried unanimously (7/0).

V. EXECUTIVE SESSION

- ES1. Discussion and consultation for legal advice with the City Attorney in accordance with A.R.S. §38-431.03 A. 3. (City Attorney)

Vice Mayor Ramirez moved to adjourn into Executive Session at 4:23 p.m.; seconded by Councilor Delgado. Motion carried unanimously (7/0).

Vice Mayor Ramirez moved to close the Executive Session and reconvene into Regular Session at 5:17 p.m.; seconded by Councilor Shapera. Motion carried unanimously (7/0).

Mayor Mook called a recess at 5:18 pm.

Mayor Mook reconvened the meeting at 5:22 pm.

VI. PRESENTATION

- P1. Proclamation declaring the week of October 4-10 as Fire Prevention Week – ‘Hear the Beep Where You Sleep’

Building Official Mary Dickson presented a statement from Fire Chief Jim Wise. “The City of El Mirage and the El Mirage Fire Department are committed to ensuring the safety and security of all those living and visiting our City. Having working smoke alarms cut the risk of being overcome by smoke and fire in home fires in half. The 2015 Fire Prevention Week theme for October 4-10, 2015 is ‘Hear the Beep Where You Sleep. Every Bedroom Needs a Working Smoke Alarm!’ effectively serves to remind us that we need working smoke alarms to give us time to get out safely. The El Mirage Fire would

like to support this effort and bring forth this proclamation for your consideration and approval.”

Mayor Mook then proclaimed October 4-10, 2015, as Fire Prevention Week and urged all residents of El Mirage to install smoke alarms in every bedroom, outside each sleeping area, and on every level of the home including the basement, and to support the many public safety activities and efforts of fire and emergency services during Fire Prevention Week 2015.

VII. REGULAR AGENDA

- A. Public hearing, closure of public hearing, followed by consideration and action to approve Ordinance O15-10-08 amending City Code Section §154.020 DEFINITION OF TERMS to add a Non-Profit Organization definition and amending City Code Section §154.052 PERMITTED USE BY ZONE adding a Non-Profit Organization use and amending the Religious Assembly use. (Development and Community Services)

Mayor Mook opened the Public Hearing.

City Engineer Jorge Gastelum explained that a definition of non-profit organizations was being proposed to be added under §154.020 DEFINITION OF TERMS, and conditional uses were being identified for non-profit organizations and religious assemblies. A Public Hearing was held at the Planning & Zoning Commission meeting on September 22, 2015 and the Commission recommended approval with a 4 to 1 vote.

Hearing no public comment, Mayor Mook closed the Public Hearing.

Vice Mayor Ramirez moved to approve Ordinance O15-10-08 amending City Code §154.020 DEFINITION OF TERMS to add a Non-Profit Organization definition and amending City Code §154.052 PERMITTED USE BY ZONE adding a Non-Profit Organization use and amending the Religious Assembly use; seconded by Councilor Delgado. Motion carried unanimously (7/0).

VIII. CITY MANAGER SUMMARY OF CURRENT EVENTS

The City Council may not act upon any matter in the City Manager’s summary but may have general comment or questions. Items to be discussed will include, but not be limited to, the following:

1. Halloween Harvest Event

Public Relations Manager Amber Wakeman reported the next City Special Event will be the Halloween Harvest Festival on Friday, October 23, 2015 from 5:00-9:00 pm at Gentry Park. Admission and parking is free and a main feature includes the pumpkin patch with free pumpkins going to the first 500 families.

2. New Employees

Dr. Isom reported that three departments have new employees to present to introduce.

Police: Chief McDonald presented two new Code Enforcement Officers. He first introduced **Britt Allen** who came to the City on September 21st from the City of Eloy. He then introduced **Karyn Mucci**, who recently retired from the El Mirage Police force and who now returned September 7th to transition into the Code Enforcement section. Britt and Karyn both expressed their excitement and enthusiasm in working for the City of El Mirage and the El Mirage Police Department.

Fire: On behalf of Fire Chief Wise, Assist Chief Juan Rodrigues introduced two new Fire Department employees, **Clinton Giramur** and **Brad Haggard**. Mr. Giramur came to Arizona in 1998 from Peru; he likes to spend time with his two young children, enjoys sports and volunteers with MDA, the Toy Drive, T-Ball and various fund raisers. Mr. Giramur has his EMT Certification and his Associates degree and has been a firefighter for a few years. Brad Haggard is a West Valley native who lives in Buckeye with his wife and five children and where he tends his cattle and crops on the family farm. He has been an EMT since 2009 and a firefighter since 2010. Brad most recently worked for Salt River and is within a few months of finishing his Paramedic training. Both Mr. Giramur and Mr. Haggard expressed their appreciation for the opportunity afforded to them in being hired at the City of El Mirage and pledged to work hard to meet all the expectations of the City of El Mirage.

Administration: Dr. Isom then introduced **Janeen Gaskins** as the new Grants Administrator for the City of El Mirage. She received her Grant Professional Certification from the Grant Professional Certification Institute in 2009 and has been in the grant profession for more than 15 years. Janeen has previously worked for the Cities of Surprise, Avondale and Goodyear as a Grant Professional, Assistant to the Mayor and City Planner. She was raised in New York City and now lives with her family in the Litchfield Park area. Janeen holds a Bachelor's degree in Psychology and African American Studies and a Master's degree in Environmental Planning. Janeen serves as a National Board member for the Grant Professional Association and is also a Certified Public Manager and the President of Future Stars, a local non-profit that provides inner-city youth with college readiness programs and funding. Ms. Gaskins thanked them for the opportunity to be in El Mirage.

IX. 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 Selby reported he participated in the Hispanic Heritage Event. He took 25 Community Uplift Program applications and 23 were filled out and returned. He thanked Mary Dickson for her dedication, hard work and leadership in this program.

Councilor Shapera stated he also attended the Hispanic Heritage Event commenting that the event was very well attended. He also attended a Regional City Council gathering that afforded Councilors of neighboring cities to share ideas and concerns.

Councilor Delgado congratulated the new Police Chief Terry McDonald and the new Assistant Police Chief Laura Liuzzo on their recent respective promotions. He also attended the Regional City Council gathering and stated it was interesting to hear what other communities are doing.

X. 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.

Resident Beth Simek stated she is proud to be a resident of El Mirage but is concerned about the treatment of Police and Fire Department personnel. She expressed disgust and outrage at what she believed to be ill treatment and mishandling on the part of the City in a specific case involving a police officer. She stated her belief that the City is losing Chiefs as well as police and fire personnel because of not adequately caring for their medical needs. She claimed there should be “more than enough money in the rainy day fund to take care of these emergency situations” and that there should be more than enough funds to protect the police and fire departments. She stated that first responders are not expendable but Council members are and challenged the Council in this matter.

Resident Gloria Espejo from Pueblo Futuro spoke about the change in ownership of the park in their community but requested Council provide more time for the residents of Pueblo Future to be better informed of the park plans. Mayor Mook advised the item had been removed from the agenda and thus they would, indeed, have more time to review.

Mayor Mook requested Attorney Scott Houston introduce himself and make a statement concerning something that has come to the attention of the City in a hypothetical manner.

Mr. Houston introduced himself as the attorney on behalf of the Arizona Municipal Risk Retention Pool who is the Workers’ Compensation insurer for the City of El Mirage. He reported that in the cases he has handled on behalf of the City, including the hypothetical case referenced in the Call to the Public, all medical benefits have

been paid so the allegation that there have been unpaid medical expenses is incorrect. He briefly explained other specifics about the hypothetical case being discussed and clarified by saying it is not the City’s job to decide whether a benefit qualifies for benefits or for what amount of benefits a claim might receive; that is why the City has insurance and it is the job of the Claims Administrator for the Arizona Municipal Risk Retention Pool, who also represents many other cities in the pool, to make those determinations. The City has complied with every federal statute and state statute, especially relative to the hypothetical case being discussed. Mr. Houston pointed out he has reviewed the specific case and knows what is involved but is bound by confidentiality. He has also reviewed some of the public derogatory disclosures that have been made against the City and suggested there is no federal or state statute to supports the allegations; the statutes are very clear on these types of claims and they are not covered as Workers’ Compensation Claim. Mr. Houston then asked Council if there were any questions.

Mayor Mook then re-opened Call to the Public to provide an opportunity for the public to ask Mr. Houston questions on this matter.

Ms. Simek and Mr. Houston exchanged a question/answer about the hypothetical case regarding what the employee may or may not have discussed with a doctor relative to whether or not light duty could be available.

XI. ADJOURNMENT

The meeting was adjourned at 5:51 p.m.



Lana Mook, Mayor

ATTEST:



Sharon Antes, City Clerk

APPROVED AS TO FORM:



Robert M. Hall, City Attorney

I hereby certify the aforementioned minutes are a true and accurate record of the Regular City of El Mirage Council Meeting held on Tuesday, October 6, 2015 and a quorum was present.



Sharon Antes, City Clerk