

**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, October 20, 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 6:00 p.m.
Pledge of Allegiance
Moment of Silence
Silence Cell Phones & Pagers

III. PROCLAMATION

PR1. Proclamation to support American Diabetes Month – November, 2015.
(Administration)

Intergovernmental and PR Manager Amber Wakeman presented this proclamation and advised Council that nearly 30 million children and adults in the United States have diabetes, including 692,311 people in Arizona, and another 86 million are at high risk for developing Type 2 diabetes. The American Diabetes Association has invited the City of El Mirage to support American Diabetes Month as November 2015, and promote a more active and healthier lifestyle. Edyth Haro, Senior Manager for Mission Delivery at the American Diabetes Association, and Volunteer Ruth Stewart, were present to receive a copy of the proclamation.

Mayor Mook proclaimed November 1 through 30, 2015 as American Diabetes Month in El Mirage.

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.

Resident Dan Dotson stated he is a new resident living at the northeast corner of El Mirage Road and Peoria Avenue and expressed his displeasure and concern about what he deems excessive noise and light coming from an adjacent business on Peoria Avenue during the very early morning hours. He is currently working with Sgt. Robert Peoples at the Police Department and has met with Jose Macias in the Planning Department; they are working to find a solution. He also stated he is representing other residents in this area of the Pueblo Resort and asked the Council to consider a possible ordinance change to resolve this issue.

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 Regular Council Meeting held Tuesday, October 6, 2015. (City Clerk)
2. Consideration and action to approve Ordinance 015-10-10 setting forth and fixing the dates, times and location of the 2016 City Council meetings. (City Clerk)

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

VI. REGULAR AGENDA

- A. Consideration and action to authorize the City Manager to approve a contract modification to the construction services contract with Sunland Asphalt to reconstruct Varney Road, from 127th Avenue to El Mirage Road, in the amount not to exceed \$223,639.13. (Public Works)

Public Works Director Larry Dobrosky introduced Management Administrator Nick Russo to give the presentation.

Mr. Russo gave a PowerPoint presentation and reviewed the Council approved pavement improvement program that was implemented in March 2012. He listed the four main goals of the program as 1) extending the life of City streets to preserve the pavement and prevent future deterioration, 2) enhancing the safety, quality and appearance of the streets, 3) ensuring a cost efficient method of preservation by "paying now" rather than "paying later," and 4) achieving one of the Council's priorities. He presented a slide showing how the City is divided into 24 maintenance districts plus major streets to help develop a balanced budget from year to year. The product used for street preservation is HA5 and the City of El Mirage is the first Arizona city to use this product. El Mirage recently presented at a Utah Conference about this product and its efficiency; a case study analysis projects a 30-year savings of \$100-\$130M.

Council approval of the proposed change order for Sunland Asphalt to reconstruct Varney Road from 127th Avenue to El Mirage Road has a projected savings of 10%.

Mayor Mook asked if any repaired streets have needed additional repairs and Mr. Dobrosky reported no; all repaired streets have a 5-year warranty with an expected life span of six to eight years. At the six-year mark, repaired roads will be re-evaluated with major streets being considered first.

Councilor Delgado asked if this project meets bidding requirements and Mr. Dobrosky affirmed that all requirements were properly met for this project.

Vice Mayor Ramirez said Varney Road definitely needs work and he has worked with Engineering regarding fixing small related items. Mr. Dobrosky stated the contingency will take care of the small items after construction is completed.

Councilor Jones stated it is a good opportunity to save money.

Councilor Selby asked if Varney Road will always be two lanes or are there plans to expand; City Engineer Jorge Gastelum reported Varney Road is planned to remain two lanes with bike lanes on both sides.

Vice Mayor Ramirez moved to authorize the City Manager to approve a contract modification to the construction services contract with Sunland Asphalt to reconstruct Varney Road, from 127th Avenue to El Mirage Road, in the amount not to exceed \$223,639.13; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- B.** Public hearing, closure of public hearing, followed by consideration and action to approve Resolution R15-10-20 amending the City's fee schedule and adopting fees as required through the IGA with the Office of Manufactured Housing. (Fire)

Building Official Mary Dickson reported the City has had an Intergovernmental Agreement (IGA) with the Office of Manufactured Housing (OMH) for a number of years and one of the stipulations is that the City is required to charge fees consistent with OMH fees. Since the OMH fee schedule does not coincide with the City's fee schedule adoption, the recommendation is to change the City's fee schedule to indicate "fees consistent with the OMH Fee Schedule" to keep the City in compliance at all times.

Mayor Mook asked how much these fees have increased and was advised by Ms. Dickson that this year there is one fee that affects the City which increased by \$50.

Mayor Mook opened the Public Hearing and asked for public comments; none were received. Mayor Mook closed the Public Hearing.

Vice Mayor Ramirez moved to approve Resolution R14-10-20 amending the City's fee schedule and adopting fees as required through the IGA with the Office of Manufactured Housing; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- C. Consideration and action to reject the bids received for the Landscape Maintenance and Litter Removal, Project No. PW15-LM05 - PW15-LM08 and authorize the City Manager to negotiate an agreement. (Finance)

Councilor Shapera made a motion to split the action into two considerations; one regarding the rejection of the bid and the second giving City Manager authority to negotiate one or more contracts and waive the bid process; seconded by Councilor Selby. (5/2) (Nays: Vice Mayor Ramirez and Councilor Palladino)

Mayor Mook asked his reason for wanting to split the consideration and Councilor Shapera stated he has questions regarding negotiations for contracts in the future.

Finance Director Robert Nilles presented the history. The first issuance was for a Request for Proposal (RFP) but the costs received were too high so the City decided to open the issuance as Invitation for Bids (IFB). There were problems with all the bids received which is the reason staff is requesting Council to reject all the bids. And since the bidding process was open, all bids were public and there is the possibility that bids could be higher in the future. Staff is requesting Council authorize waiving the bid process and negotiate the final contract. Mr. Nilles pointed out that the negotiated contract would be brought back to Council since it will be over the \$30K threshold.

Mayor Mook reported it is her understanding that separate bids were requested because of different kinds of landscaping. Mr. Nilles answered that there was an effort to determine if offering the project in this format would have a financial benefit and reported that the end result was not satisfactory. Of the four bids received, there were various issues with each. Dr. Isom clarified that the low bidder was \$34K under budget, one bidder neglected to fill out one form and the next lowest bidder is the current contract company; going out to bid again with known bids could be problematic.

Councilor Shapera asked what "enhanced services" referred to and Mr. Dobrosky explained that in splitting up the service areas, staff thought it might provide better service by making the bids more manageable so multiple contractors could pay more attention to detail. Councilor Shapera stated that answered his concerns.

Councilor Jones stated re-bidding could create real trouble and Mr. Dobrosky affirmed Council Jones' concerns. Councilor Jones asked if there were any legal issues regarding not re-bidding and City Attorney Robert Hall read the code sections regarding waiving the bid process if it is in the best interest of the City. He stated the Code gives Council authority to do what is being considered with this action and agreed that re-bidding could run the risk of higher costs. A negotiated contract would need to be brought back to Council for approval.

Councilor Selby asked the budget amount for this project and was advised by Mr. Dobrosky the budget is \$280K.

Vice Mayor Ramirez asked for clarification on his understanding that there were four bids total with one not in compliance and three too high in cost; Mr. Nilles confirmed his understanding was correct.

Mayor Mook reported the whole idea for separating the bids was to get more service for varying types of vegetation; Mr. Dobrosky stated the objective was to get the best service at the best price.

Councilor Delgado asked when the contract would come back to Council and Dr. Isom stated as soon as possible, hopefully by the next Council Meeting.

Motion 1: Councilor Shapera moved to approve rejecting the bids for Regular Agenda Item C; seconded by Councilor Delgado. Motion carried unanimously (7/0).

Motion 2: Councilor Shapera made a motion authorizing the City Manager to negotiate one or more Landscape Maintenance and Litter Removal contracts and to waive the bid process; seconded by Councilor Delgado. Motion carried unanimously (7/0).

VII. 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

PR Manager Amber Wakeman reported the Halloween Harvest Event will be held Friday, October 23rd from 5-9; there will be hayrides, free pumpkins to the first 500 attendees and a lot of fun at this free event for the public.

2. Bulk Trash Program

The Curbside Bulk Trash collection begins Monday, October 26, 2015. Public notification was accomplished by advertising the information on the billboard at Gateway Park, distributing flyers in water utility bills, placing an article in the El Mirage Newsletter, and displaying a poster board at Customer Service. This will be the first bulk trash collection that will take place with changes made in reshaping the program, which were necessary to better educate the community in compliance requirements and ensure the program continues to be cost effective and successful for future collection events.

3. New Employees

Police Chief Terry McDonald introduced Adaly Armenta, the newest member of the Victims' Assistance Program with nine years of experience at the Avondale Police Department. She resides in El Mirage and has three children. Ms. Armenta thanked the City for giving her the opportunity as a Victim Advocate and she is pleased to be working with the City of El Mirage.

Chief McDonald continued by stating he believes a cornerstone of good Police work in the community is connecting with the group of young people from the Dysart Community Center (DCC) who presented at the last Council meeting. He shared with Council a draft letter he proposed to send to DCC stating the contributions that the Police are currently doing to work with the public. These include the Victims' Assistance Program, Police Explorers and a long term partnership with Dysart schools through the School Resource Program. The Victims' Assistance Coordinator will begin working with the DCC in response to their discussion relating to violence in the community. Dr. Isom stated he believes this is an innovative approach to use non-sworn personnel to interact on a more regular basis. The issue of the presentation dealt with domestic violence which the City is already focused on. Mayor Mook commented the Council wanted to assist DCC in a positive way and the City is fortunate to have the trained resources in the area of domestic violence.

Chief McDonald then introduced Sgt. Chris Culp to discuss the Police Explorer Program. Sgt. Culp presented Police Explorer Xitlaly Luna who reported on El Mirage's participation in the Third Annual 2015 Southwest Arizona Law Enforcement Explorer Event held October 9th in Marana, Arizona. El Mirage Explorers participated in many of the events and placed second in Law Enforcement Knowledge Aptitude and fourth in Crisis Negotiation. The Police Explorers expressed their appreciation for the support of Staff, Council and Dr. Isom.

Chief Terry McDonald explained the Forfeiture Monies Quarterly Report that each Council member received, stating recent legislation requires these reports of monies received be accounted for and reported quarterly to Council. He stated these funds are used only for legal purposes.

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.

Councilor Jones stated he observed an employee of Public Works picking up trash and displayed outstanding pride in this community. He asked Mr. Dobrosky to determine the specific employee and give him his thanks for a job well done. He also recently attended a Public Works staff/safety meeting and stated Mr. Dobrosky and Mr. Gastelum were doing an excellent job in keeping staff informed of current coinciding projects. He thanked them both and stated he appreciated the time he was allowed to spend with staff.

Councilor Selby advised he had a number of items to report. First, approximately 25-40 volunteers will be working on numerous homes this Saturday morning as part of the Community Uplift Program (CUP). Building Official Mary Dickson continues to drive this program and works hard to promote it; he thanked her for her efforts. Second, there will be a passenger train on the BNSF line this weekend, beginning in El Mirage, to take disadvantaged children on a train ride to Wickenburg and back. Third, he wanted to know from the City Manager how a Veterans' Day Breakfast and fundraising charity is classified as a political event. Dr. Isom reported that when these types of events are scheduled, employees are made aware of the Personnel Policy regarding permissible activities. This is a Fire Association event to hold a Veteran's Day Pancake Breakfast and the City is providing the Association the opportunity to use the Fire Station to hold their event.

IX. ADJOURNMENT

The meeting was adjourned at 7:12 PM.



Lana Mook, Mayor

Approved As to Form

Attest:

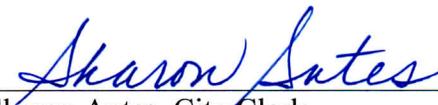



Sharon Antes, City Clerk



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 20, 2015 and a quorum was present.



Sharon Antes, City Clerk