

**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, FEBRUARY 16, 2016**

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 called to order at 6:00 pm
Pledge of Allegiance
Moment of Silence

III. PRESENTATION

PI. Presentation to Council from Mayor Lana Mook regarding the City of El Mirage 2016 State of the City (Mayor Mook)

Mayor Lana Mook presented the 2016 State of the City. The City continues to improve resident services by improving infrastructure, offering new recreational amenities, and hosting fun family events. During the last decade, El Mirage quadrupled its population to just over 32,000 residents. Sound decisions made by this City Council and City Management regarding the city's financial future have resulted in higher bond ratings and lower taxes. El Mirage has a 1,600-acre site zoned for commercial/industrial where goods may be exempt from U.S. customs, duties and excise taxes. Commercial Development includes Fast & Friendly Carwash, Subway Restaurant, Enterprise Rental Car, the Family Dollar Store, Goodwill Industries and the expansion of Southwest Steel. The value of homes in El Mirage has increased by 10.6%. Future commercial streetscapes will add even more value to the City. Construction of a New City Hall will begin next month. Other facility improvements include Court parking lot with solar array, solar lighting in City parks and Customer Service facility upgrades. Major roadway improvements include realignment of Grand, Thunderbird and Thompson Ranch Roads, adoption of a pavement preservation program, future monument signage, signal and safety improvements at six major intersections and campus maps and way finding signs. Parks and Recreation improvements include Gentry Park, pocket park playground replacement, Gateway Park, Basin Park and the HOA

Park Partnership. Energy conservation and stable quality water include automatic water metering, solar panel projects, waterline replacements, a CDBG Grant to replace the water main on El Mirage Road and partnering with Central Arizona Project for water resources. (The PowerPoint presentation is made a formal part of these permanent minutes and is posted on the City website).

P2. Presentation and discussion of public safety retirement systems (PSPRS) including recent proposed legislation (Finance)

Finance Director Robert Nilles presented background on the League committee who studied the PSPRS program and provided an update on recent proposed legislation regarding PSPRS to become effective July 1, 2017 if passed. The legislation addresses current and retired public safety employees separated from newly hired public safety employees as of the effective date incorporating tier benefits for years of service, a compensable wage cap, reduced retirement age, and equal cost sharing. The In-lieu of Social Security Program participants will have an employer-matched Defined Contribution plan to replicate a Social Security like benefit.

Councilor Shapera stated he believed the program would include Judges and some political entities but was informed by Mr. Nilles that the program only included police and fire personnel; judges are funded from other sources.

Dr Isom expressed his appreciation for Mr. Nilles' efforts on the League committee studying the PSPRS issues.

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.

Police Office Jones was asked if he wished to speak during Call to the Public or during the Agenda Item C. discussion – he advised he would wait until the agenda discussion.

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 19, 2016. (City Clerk)
2. Consideration and action to approve an Intergovernmental Agreement (IGA) between the city of Surprise and the city of El Mirage for emergency water services. (Public Works)

Councilor Palladino moved to approve Item 1. on the Consent Agenda as presented; seconded by Councilor Selby. Motion carried unanimously (7/0).

Councilor Palladino moved to approve Item 2. on the Consent Agenda as presented ; seconded by Councilor Jones. Motion carried unanimously (7/0).

VI. REGULAR AGENDA

- A. Consideration and action to authorize the City Manager to enter into a Construction Manager at Risk (CM@Risk) Construction Phase services agreement with Haydon Building Corp to provide construction phase services for the new El Mirage City Hall (EM15-F01) in an amount not to exceed \$6,600,000. (Development & Community Services)

Development and Community Services Director/City Engineer Jorge Gastelum provided a presentation regarding the CM@Risk for the services agreement with Haydon Building Corp. to provide construction phase services for the new El Mirage City Hall in an amount not to exceed \$6,600,000 with \$264,000 contingency included. Mr. Fritz Behrhorst from Haydon Building Corp. was present. Mr. Gastelum explained the bid process and stated this contract will provide assurances of staying within budget. Ground breaking is scheduled for March 3rd and project completion is expected in early 2017.

Councilor Jones asked if the \$6,600,000 included contingency and Mr. Gastelum affirmed that a contingency is included in the total amount.

Councilor Shapera referenced the best value analysis provided for review and expressed the following concerns; 1) replacing concrete with asphalt in a number of areas (he stated a 30-year building should use concrete), 2) including grass in some areas rather than desert landscape (he stated grass causes an ant problem), 3) deleting fiber cable from Police Station to City Hall (he questioned why), 4) deleting shower in City Manager office (he questioned need), 5) eliminating a number of television screens from Council chambers (he believed they should be included), 6) reducing number of security cameras (he believed that none should be deleted). Mr. Gastelum responded that the analysis was a process to control costs and that all items could be re-examined; 1) the asphalt replacement was only in the walkway separating the doggie parks, 2) the grass was planned for the east,

north, and northeast retention basins, 3) fiber cable connection was not deemed a high priority, 4) there would not be a shower in the City Manager's office, 5) there will be sufficient monitors, projectors and screens though there did not seem to be the need for flat screen televisions, and 6) security will remain a high priority but several cameras could be eliminated without sacrificing security.

Dr. Isom pointed out there are pros and cons to the use of grass noting that some grass areas were planned for guest rest areas; he asked for consensus direction from Council on this matter. Councilor Shapera said no to the grass, Mayor Mook stated the landscaper could decide what was most appropriate, and Councilors Delgado and Jones suggested starting with grass and evaluate a possible change in the future; the consensus was to plant grass as planned.

Councilor Delgado asked about what he thought was exposed flooring in the Council Chambers and Mr. Gastelum explained that there was nothing exposed but rather the name of the flooring finish was misleading.

Councilor Selby questioned the downsizing of conduit from 4" to 3" and stated he thought it would be necessary for future growth. IT Director Tom Bacome was asked and responded that 4" was a generous and conservative conduit size and was okay with the proposed downsizing.

Mayor Mook expressed her concern for overall security and her desire that all safety measures to be taken to ensure the security of staff and property. Dr. Isom and Mr. Gastelum confirmed and concurred that safety would remain a top priority.

Mr. Fritz Behrhorst of Haydon Building Corp. was introduced and spoke overall about the project. Councilor Shapera inquired about whether plans were considered for preventing skateboards around the building and Mr. Behrhorst stated this is a priority for all the buildings they construct and they have various methods for controlling this problem.

Councilor Palladino moved to authorize the City Manager to enter into a Construction Manager at Risk (CM@Risk) Construction Phase services agreement with Haydon Building Corp. to provide construction phase services for the new El Mirage City Hall in an amount not to exceed \$6,600,000; seconded by Councilor Jones. Motion carried unanimously (7/0).

- B.** Consideration and action to approve Resolution R16-02-03 calling for a Primary and General Election in 2016, designating the election dates and purpose of the 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)

City Clerk Sharon Antes reported the resolution is self-explanatory and she would be glad to answer any questions. There were no questions.

Councilor Palladino moved to approve Resolution R16-02-03 calling for a Primary and General Election in 2016, designating the election dates and purpose of the 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; seconded by Councilor Jones. Motion carried unanimously (7/0).

C. Consideration and action to approve Resolution R16-02-04 adopting a Compensation Plan for fiscal year 2016-17. (Finance)

Finance Director Robert Nilles stated the proposed resolution was in compliance with requirements of the El Mirage Personnel Policy as part of the budget process and provided a PowerPoint presentation with data provided by Gallagher Benefits Services (formerly Fox Lawson Group). The FY 2016-17 Compensation Plan includes current compensation reviews of comparing midpoint ranges for the cities of Avondale, Buckeye, El Mirage, Glendale, Goodyear, Peoria, Surprise and Tolleson and making recommendations regarding the current state of compensation and market competitiveness of specific employee benchmarks. The process was to update current Compensation Plan ranges using study range midpoints and correct range widths with three scenarios - more competitive than 25%, 40% and 50% of the cities listed. The financial impact was factored into the five year Capital Improvement Plan as determined by limited resources, photo radar, and competitiveness. Staff recommended adopting the Resolution and associated Compensation Plan at the 25th percentile.

Councilor Delgado asked if the proposal takes into consideration business growth and Mr. Nilles responded it is based off of current activities for revenues plus a growth factor of approximately 1% or 2% for each year and also including state shared revenues, census figures and inflation. Mayor Mook also pointed out there is current pending legislation that could impact the City's revenues such as construction "point of sale" and elimination of tax on rental properties.

Councilor Shapera asked if the plan just covered police and fire personnel or all City staff and was informed by Mr. Nilles that it included all City staff. At the request of Dr. Isom, Mr. Nilles reported on the comparison cities' population and that El Mirage spends more for salaries and benefits than any of the seven cities who have full-time police and fire departments.

Councilor Shapera asked if El Mirage administrative salaries were comparable and was advised by Mr. Nilles that depending on the scenario, some ranges were as far as 20-30% below the 50% market. Dr. Isom stated the study looked at everyone equitably and the 25th percentile was being recommended as the most

equitable and affordable plan; approval of the proposed resolution would not reduce any current employee salaries.

Councilor Selby asked about the status of photo radar and was advised by Mayor Mook that there are several aggressive bills currently going through the legislature designed to limit and/or altogether do away with any type of photo radar which, if successful, will have a negative impact on the city's budget process. Proceeds from photo radar have been specifically designated to enhance public safety. Police Chief Terry McDonald stated a primary goal is to have a Police Department of excellence and photo radar is a part of that goal. Councilor Shapera asked if the photo radar systems at Thompson Ranch Road and Dysart Road are slowing down traffic and was advised in the affirmative by Chief McDonald who added that the photo radar is a force multiplier allowing him the ability to put Police Officers in other areas.

Police Officer Doug Jones addressed Council with a prepared statement. He stated the Association's request for Meet and Confer was to determine the City's position and he is concerned about the direction he believes the City is taking. He also stated police officers do not believe in coincidence, they believe in "motive and intent;" and he believes there is "evil intent on the part of management." His prepared statement touched on what he believes to be ignoring meet and confer requirements, interference with health care for officers injured in the line of duty, denying officers release time and use, failing to confer in good faith, retaliating against officers, and attempting to abolish the police department.

When Mayor Mook directed Dr. Isom to respond, Councilor Shapera stated he did not believe it was appropriate for the City Manager to respond since Officer Jones was addressing Council and asked the City Attorney for clarification. City Attorney Mr. Hall responded that Dr. Isom was, in fact, allowed to respond since Officer Jones requested to speak and the Call to the Public states in part "Council members may...(2) direct staff to review or respond to the matter, and/or..."

Prior to Dr. Isom responding, Officer Joshua Jones also spoke on Agenda Item C. reporting he is happy to be in the El Mirage Police Department but concerned because he believes there is a lack of resources to correct some issues.

Dr. Isom responded there have been reports that there is a lot of turnover in the Police Department yet the attrition rate is under 3% and there have been no problems with hiring or keeping police officers; in fact, one officer who recently left requested to come back. The Fire Department is also concluding their MOU for FY 2016-17 and they are comfortable with what is happening. Dr. Isom believes he and Officer Jones are approaching this matter from different perspectives stating he has worked with this Council for the past five years to represent the Council's interest, the community's interests in representing the organization and the City's interest but Officer Jones is the president of an organization whose goal is to obtain more money regardless of the City's

financial position. Dr. Isom stated he has talked to many of the officers and does not feel that a majority of the officers are unhappy. Dr. Isom noted that the City's obligation to all employees is to pay a competitive wage, treat employees fairly and provide reasonable benefits, and he believes these obligations are being met. He stated the City will continue operating the Police Department and continue to work in the best interest of the Police Department. Field training officers are being paid what they should be paid and according to the current MOU.

Councilor Shapera asked Dr. Isom to explain the Step Program. Dr. Isom explained the process stating that step increases are based on the City's ability to pay rather than a guaranteed increase. He believes a Range Program versus the existing Step Program would better serve the police officers because the step increases cannot be guaranteed.

Mayor Mook asked Dr. Isom if it would be fair to say the City of El Mirage will never be able to pay exactly what larger cities with larger departments pay because of the City's limited size, revenues and number of sworn officers to which Dr. Isom answered that in spite of those conditions, the City is paying extremely competitive salaries with the larger cities to police officers.

Councilor Palladino moved to approve Resolution R16-02-04 adopting a Compensation Plan for fiscal year 2016-17; seconded by Councilor Jones. 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: the El Mirage Car Show.

Public Relations Manager Amber Wakeman reported The El Mirage Magnificent Motors in the Park special event will be held on Saturday, February 27, 2016 at Gentry Park from 9:00 AM to 1:00 PM. The cost to enter a car is \$10 and every car entered will receive a plaque. There will be awards and the Best of Show car will receive a \$200 Walmart Gift Card and the car club with best attendance will receive \$100 Walmart Gift Card. The city is very pleased to have Walmart as a sponsor.

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 thanked the Mayor, Vice Mayor and Council for allowing the City Manager to make an agreement with the landscape company Carescape

stating they are making a huge improvement. The landscaping looks the best it has ever looked in the 14 years he has lived here.

Councilor Shapera reported he toured some of the Dysart Unified School District schools and the schools are doing very well. The District wants to work with the City about getting more hot spots for the families to have more internet service. He also agreed the landscaping has improved.

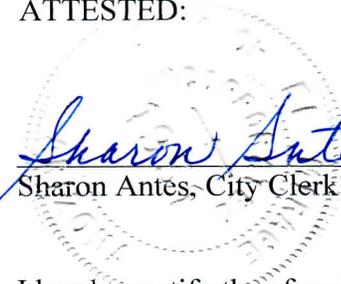
IX. ADJOURNMENT

Meeting was adjourned at: 8:38 pm.



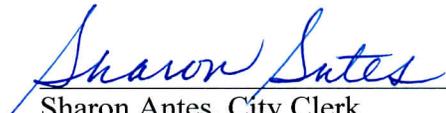
Lana Mook, Mayor

ATTESTED:




Sharon Antes, City Clerk

I hereby certify the aforementioned minutes are a true and accurate record of the Regular City Council Minutes for the February 16, 2016 meeting and a quorum was present.



Sharon Antes, City Clerk