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, SEPTEMBER 6, 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

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

III. 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.

IV. 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, August 16, 2016. (City Clerk)

2. Consideration and action to authorize the Finance Director to transfer budget authority from the Special Projects Fund to the Utility Enterprise fund in an amount not to exceed $281,500. (Public Works)

3. Consideration and action to approve a modification to the current IGA with the Arizona Department of Revenue (ADOR) for the collection and administration of Transaction Privilege Tax (TPT – Sales Tax). (Finance)

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

V. REGULAR AGENDA

A. Consideration and action to approve Resolution R16-09-19 declaring as a public record that certain document filed with the City Clerk and entitled "The 2012-2014 Amendments To The Tax Code Of The City Of El Mirage" for publishing per A.R.S.§9-802. (Finance)

Finance Director Robert Nilles gave a summary of legislative changes to the Model City Tax Code noting and identifying changes to various sections and stating Council is required to adopt in order to be in conformance with State law.

Vice Mayor Ramirez moved to approve Resolution R16-09-19 declaring as a public record that certain document filed with the City Clerk and entitled "The 2012-2014 Amendments to the Tax Code of the City of El Mirage" for publishing per A.R.S. §9-802; seconded by Councilor Delgado. Motion carried unanimously (7/0).

B. Consideration and action to approve Ordinance O16-09-07 adopting "the 2012-14 amendments to the tax code of the City of El Mirage" and declared to be a public record by reference in Resolution R16-09-19. (Finance)

Mr. Nilles explained the ordinance is being referred by Resolution R16-09-19 enabling the City to publish only the ordinance in the newspaper pursuant to A.R.S. §9-802. There were no questions from Council.

Vice Mayor Ramirez moved to approve Ordinance O16-09-07 adopting "the 2012-2014 amendments to the tax code of the City of El Mirage" and declared to be a public record by reference in Resolution R6-09-19; seconded by Councilor Delgado. Motion carried unanimously (7/0).

Mayor Mook requested the reading of related Agenda Items C and D but noted they are required to be voted on separately.

C. Consideration and action to approve Resolution R16-09-20 amending Chapter 30, Section §30.07 *Meet and Confer* of the City Code and declaring the Resolution and update included in Exhibit "A" as a public record for publishing per A.R.S. §9-802. (Administration)

D. Consideration and action to approve Ordinance O16-09-08 amending Chapter 30, Section §30.07 *Meet and Confer* and adopting and making part of the El Mirage City Code that certain document titled "Chapter 30, ADMINISTRATION GENERALLY, *Meet and Confer"* and declared to be a public record by reference in Resolution R16-09-20. (Administration)

Mayor Mook asked if there were any Public Comments for this item and there were none. She then asked City Manager Dr. Isom to introduce this item.

Dr. Isom reported annual relations with the Public Safety Associations have been challenging although the Fire Association has shown a more cooperative spirit with their recent change in representation. The Police Association is seemingly unwilling to negotiate in good faith. This resolution and ordinance preserves all wage and benefits the Associations have at this point and they will lose nothing while working with him as City Manager. The intent of the resolution and ordinance is to remove wages and benefits from the Meet and Confer process, while leaving working conditions, which is the foundation for meeting and conferring. He believes this meet and confer change will promote a better working relationship between the Associations and City management as well as a more positive working relationship between Council and the Associations. The document preserves either Associations' right to make presentations before this Council periodically. It is the Council and Staff's intent to honor current MOU's; the Fire Association's MOU expires June 30, 2019 and the Police Association's MOU expires June 30, 2017. Staff has always welcomed opportunities to interact with the Associations and the proposed provision gives the Associations an opportunity to partner with Staff prior to making presentations before Council. Staff would provide information to the Associations so they can give an informed presentation to Council. He noted that he and Council members live in the City and they work diligently to be sure taxpayer dollars are well spent. They have focused spending on public safety who are inarguably the beneficiaries of this Council and Staff. Exhibit A in the Resolution identifies the specific changes that will be made compared to the existing ordinance. Dr. Isom stated that when he took over as City Manager he made a pledge to all employees, Police, Fire and non-public safety personnel, that he would assist Council in guiding the City in such a way as to never have to send employees home because the City over extended itself. Public safety has new fire and police facilities and the best equipment. Every two years a wage study is conducted to be sure employees are being paid in accordance with the compensation study redults.

Mayor Mook then asked Councilors for comments.

Councilor Shapera asked Dr. Isom who requested that he bring this item forward and was advised that Mayor Mook made the request. Councilor Shapera then asked if this was brought to the Association or negotiated with the Police Association prior to bringing forward and Dr. Isom answered that negotiations were held in good faith and that this is a City Code change requiring approval of Council and, therefore, was not taken to the Association. Councilor Shapera stated he agreed with the recent Arbitrator's decision and that compression should or will be negotiated. Dr. Isom responded that compression was not addressed by the Arbitrator at that time but if the Police Association would move away from the Step Program he would be able to deal with any compression issues. Councilor Shapera asked why there was not a "me too clause" in the document and Dr. Isom reported the Police Association document was not changed other than removing wages and benefits from the Meet and Confer; the Fire Association has a "me too clause" because they recently changed their representation, worked with staff, and renewed their agreement. Dr.

Isom stated everyone will be treated equally. Councilor Shapera questioned whether paramedics get extra pay for higher skill and Dr. Isom stated if they have the skill they are compensated. He asked Human Resources Director Sandra King to verify and she reported that, in fact, paramedics are paid more for higher skills and indicated there are currently positions open.

Councilor Delgado stated the item of compression seems to be on-going and he wanted to know when it would be corrected; Dr. Isom responded that even though the contract does not expire until June, the process for making any changes begins much sooner. Councilor Delgado stated he wanted a retreat to discuss with the Association for more information. Dr. Isom responded that compression could have been handled much sooner if the STEP issue was addressed but he was told by the Association, "We don't care about the rest of the City." He stated such an attitude is counter-productive and approval of this item would allow compression. Councilor Delgado restated he wanted a retreat for both sides to discuss more and Dr. Isom asked that Council give the proposed item a chance to work.

Councilor Palladino stated he is a big supporter of Public Safety but this past year he lost a great deal of respect for the Association. They have given out false information, disrespected this Council, and the people who work very hard for this City.

Councilor Selby echoed Councilor Delgado and stated he wanted a retreat or session to discuss other questions that he believes need to be talked out and that more information is needed for him to make a decision.

Councilor Jones praised Public Service and stated he believes this community is well represented for a community of 32,000+ people. As an example, he compared a Fry's Marketplace vs. Circle K's payroll versus income stating Circle K simply cannot afford to pay their employees the same wages Fry's. The City has limited resources and of those resources, a lot of money goes to Public Service. Public Safety has been provided with a new state-of-the art station, and all the necessities required to do a good job that includes body cameras, weapons, tasers, and brand new vehicles. Six years ago, the Police Department had nothing and in a very short period of time this Council responded and gave them everything they asked for, but it's not enough. City of El Mirage residents live paycheck to paycheck yet this Council continues to make sure police officers are well taken care of; Councilor Jones stated he strongly supports Public Service but cooperation is necessary and the current MOU's create an endless pit.

Vice Mayor Ramirez stated the concept is very simple; the Council has a budget every year and must account for every dollar this City spends. He stated he has sat in negotiations with Police and was dismayed by the rhetoric of "it doesn't matter, we're exceptional." He stated that no department is exceptional and money cannot be promised if not available. He believes every department has been treated fairly and hopes this Council will make the correct decision on this matter.

Mayor Mook read her prepared statement as follows:

"I asked for this item after hearing from a couple of colleagues. Quite frankly, enough is enough! We, as a Council, have worked with Dr. Isom since we took office. Early on, he pledged to help us create a strategic approach to managing the City resources in a responsible open way. He made a promise to our entire staff, not just Police and Fire that he would create a stable work environment they can depend on. In other words, he would grow our community and organization and compensate our employees responsibly. He has found a way to recognize our public safety staff with a combination of base increases, one-time bonuses, and days-off. Make no mistake, we have one of the better paid police and fire departments in the West Valley…and that is in comparison to much larger communities such as Glendale, Peoria, Goodyear and others. He has taken it upon himself to do a study every two years to ensure this Council knows exactly where we stand with regard to pay.

He has assisted this Council in achieving our goals in public safety such as building new state-of-the-art fire and police stations, and providing new police vehicles, body cameras, weapons, fire service vehicles, heart monitors, and much-much more.

Despite his efforts to move this community forward, I have watched Dr. Isom and his Senior Staff work tirelessly to fend off unwarranted attacks from the El Mirage Police and Fire Associations in an effort to disparage city management and this City with the end goal of getting increases to wages and benefits beyond what the citizens of El Mirage can afford. If EMPEA President Jones and his Vice President had their way, this City would remain on the verge of financial instability. They have wasted thousands of hours of Staff time and City money, by way of public records requests, press conferences, etc., in trying to manufacture the perception they are somehow underpaid.

To this point I have to pause and acknowledge the remarkable change in attitude that has occurred in our Fire Association with the recent election of a new President, Chris Richardson. I, for one, believe Chris has balanced representing the Fire Association while keeping the best interest of the City to the forefront, in his dealings with Dr. Isom…and I believe Chris's spirit of cooperation will continue under new President Darrell Tirpak's leadership. So to the Fire Association, 'Thank you!'

Back to the issue at hand…Vice Mayor Ramirez and I had an opportunity to see first-hand what was going on during negotiations. It was a real eye-opener to hear EMPEA President Jones state on behalf of the Police Association, "We don't care about the rest of the City!" Well Preisent Jones, as Mayor, and a member of this Council, I do! And this Council does! And so does Dr. Isom and his executive staff! This item, once approved, takes 'wages and benefits' out of the Meet and Confer process. So, you can periodically bring 'wage and benefit' issues to the Council directly. But, the Associations shall be respectful and I recommend you only do so when absolutely necessary.

I just want to point out to the citizens of El Mirage who are in attendance today, Mr. Jones went so far that he, as Association President, took the matter of 'Wages and Benefits' to a Federal Arbitrator. There are copies available for you to take with you

today. The Arbitrator, who was selected by the Association, concluded very much in favor of the City. The Arbitrator, in his detailed analysis, concludes and I quote:

> 'The city has consistently provided substantial funding to the police department. The police department has received new vehicles and now has body cameras. The City has made it a priority to invest in the police force… Based on the undisputed data, the City currently pays well within its peer group. In addition, there is no significant voluntary turnover of officers and no current impediment to recruiting new officers. In addition, there was no evidence that other peer cities are addressing problems of salary compression or is granting significant base wage increases.'

End Quote. Again, this action memorializes what the Association has and places the responsibility for maintaining the financial stability of the community, more squarely and appropriately with this Council working with management. I ask this Council to adopt this important measure. And I want you guys to remember that we as a City Council have done everything we promised to do 6 years ago, we promoted and secured the F35 mission for Luke AFB, we built the fire station and rehired the terminated firefighters. We promised to do that, and we did. We have put a City Manager in place to reorganize and stabilize the organization. We kept primary property taxes stable and we've moved the police department from trailers into a new facility, provided new vehicles and outfitted them with all new equipment. We currently spend about 60% of our General Fund Revenue on Police and Fire and 80% of that is being paid out as wages and benefits.

Finally, we need to make sure the responsibility for maintaining and increasing wages and benefits are more appropriately handled by the Council with the advice of our professional management staff."

Vice Mayor Ramirez moved to approve Resolution R16-09-20 amending Chapter 30, Section §30.07 *Meet and Confer* of the City 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 Palladino. Councilor Delgado requested a roll call vote. Councilor Shapera – nay; Councilor Delgado – nay; Vice Mayor Ramirez – yea; Councilor Palladino – yea; Councilor Selby – nay; Councilor Jones – yea; Mayor Mook – yea. Motion passed (4/3).

Vice Mayor Ramirez moved to approve Ordinance O16-09-08 amending Chapter 30, Section §30.07 *Meet and Confer* and adopting and making part of the El Mirage City Code that certain document titled "Chapter 30, ADMINISTRATION GENERALLY, *Meet and Confer*" and declared to be a public record by reference in Resolution R16-09-20; seconded by Councilor Palladino. Councilor Delgado requested a roll call vote. Councilor Shapera – nay; Councilor Delgado – nay; Vice Mayor Ramirez – yea; Councilor Palladino – yea; Councilor Selby – nay; Councilor Jones – yea; Mayor Mook – yea. Motion passed (4/3).

VI. 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:

Dr. Isom stated the next regular Council meeting scheduled for September 20th was beyond the statutory dates required for canvassing the recent August 30th election and proposed the next meeting be held on Monday, September 19th to meet legal requirements. Mayor Mook asked for a consensus of availability from Councilmembers and all indicated they could attend on Monday, September 19, 2016.

VII. 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 he believed dark areas on the west side of El Mirage Road south of the Shell station existed and requested this be checked out to be sure the City was meeting APS lighting regulations. Dr. Isom responded that City Engineer Jorge Gastelum will check and send an email on this matter.

Councilor Delgado advised he attended the Dysart Elementary Books for the Library event and reported they have raised approximately $2,800 toward what appears to be a successful event.

Vice Mayor Ramirez reported on his recent attendance at the League of Arizona Cities & Town Annual Conference and commented that one of the most interesting presentations he attended was on public zoning given by the City Attorney for Marana. The attorney explained the correct and wrong ways to administer public zoning and he appreciated the excellent job El Mirage has been doing in this area by being legal and humane in the process.

Councilor Delgado said he attended another class at the League Conference regarding Council relationships with the City Manager.

Councilor Palladino reported he had the pleasure of attending the promotion of new recruits at the Fire Department.

Councilor Jones noted he has seen the new curbing installed for the Grand Avenue/Thunderbird Road transition and commented on how wide the new intersection is going to be and that it will be a welcome addition.

VIII. ADJOURNMENT

The meeting was adjourned at 7:14 pm.

Lana Mook

Lana Mook, Mayor

ATTEST:

Sharon Antes

Sharon Antes, City Clerk

I hereby certify the aforementioned minutes are a true and accurate record of the El Mirage City Council Meeting held on Tuesday, September 6, 2016 and a quorum was present.

Sharon Antes

Sharon Antes, City Clerk