

**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, MARCH 1, 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

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 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, February 16, 2016. (City Clerk)
2. Consideration and action approve Resolution R16-03-05 adopting the 2015 Maricopa County Multi-Jurisdictional Hazard Mitigation Plan. (Fire)
3. 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. §41-151.19. (Fire & Building Safety)

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

V. REGULAR AGENDA

- A. Consideration and action to approve a contract between City of El Mirage and American Medical Response to provide ambulance transport. (Fire)

Fire Chief Jim Wise introduced Regional Director John Valentine and Regional Chief Operations Officer Glenn Kasperzak from American Medical Response (AMR); they were present to answer any questions.

Fire Chief Jim Wise and Finance Director Robert Nilles presented the item. Chief Wise reported the contract is for ambulance services with an initial term for a period of three years and up to three additional one-year terms after the original contract term. Payments to the City will be for failure to meet response times, paramedic ride-ins, supplies and reporting.

Finance Director Robert Nilles discussed payment options stating payments from AMR were not anticipated because they would be for failure to meet contract requirements but they are provided for in the contract.

Mr. Kasperzak stated he is proud to be working with the City of El Mirage and advised Council this will actually be an extension of an existing contract the City has in place since AMR purchased Rural Metro as of January 26, 2016.

Councilor Shapera referred to Section 59.C Customer Satisfaction of the contract stating believes the reporting should be given to Council two times a year; otherwise, he thinks the contract is perfect.

Councilor Delgado asked how many bids were received for this service and was advised by Dr. Isom this is a professional services contract negotiated only with a limited number of companies approved by the Department of Health Service who have been issued Certificates of Necessity from the State. Councilor Delgado then asked where the ambulance facility will be located and was informed by Mr. Kasperzak that they will remain at the current location at this time but will review opportunities for possible use of City owned property in the future.

Mayor Mook thanked AMR for becoming a part of El Mirage.

Vice Mayor Ramirez moved to approve the contract with American Medical Response as presented; seconded by Councilor Palladino. Motion carried unanimously (7/0).

- B.** Consideration and action to approve a Memorandum of Understanding (MOU) between City of El Mirage (COEM) and El Mirage Fire Fighters Association (EMFFA). (Fire)

Finance Director Robert Nilles and Firefighter Chris Richardson, representing the El Mirage Fire Fighter's Association (EMFFA), presented this item. Mr. Nilles reported this was a cooperative process providing mutual benefit. The MOU is a consolidated three-year MOU and not an Addendum to previous MOUs for the three year period 2017-2019 which also incorporates the Council-approved compensation plan. Mr. Nilles provided details on the wage and benefit changes in the MOU. The MOU addresses 40-hour sworn fire employees and clarifies and enhances FLSA language as well as other items such as compensatory time, arson investigation pay and vacation leave.

Fire Fighter Chris Richardson stated this is approximately his eighth MOU he has been a part of negotiating and thanked Council for the most efficient and easiest process he has experienced. Dr. Isom stated the recent change in leadership with Mr. Richardson representing EMFFA is the very reason the constructive partnership with the City has been possible. He further informed Council that Chief Wise has created a new staffing organization changing the response model which will provide a lot more stability to the department. Chief Wise is also looking to change the response model by including a full-time shift Battalion Chief to provide a better command presence.

Vice Mayor Ramirez is very happy about the constructive dialogue between city management and EMFFA.

Vice Mayor Ramirez moved to approve a three-year Memorandum of Understanding between City of El Mirage and the El Mirage Fire Fighters Association as recommended; seconded by Councilor Palladino. Motion carried unanimously (7/0).

- C.** Consideration and action to authorize the City Manager to enter into a construction contract with Axiom Contracting, LLC to construct a new water main along Varney Road between 129th Avenue and 127th Avenue in an amount not to exceed \$181,845.00, including contingency. (Development & Community Services)

Development & Community Services Director/City Engineer Jorge Gastelum reported on the FY 2016-2020 \$250,000 CIP project for design and construction of extending the existing water main along Varney Road between 127th Avenue and 129th Avenue. Wilson Engineers provided the design and the City advertised the project in February, 2016. Five bids were received and Axiom Consulting, LLC provided the lowest bid at \$165,313.55. This request for construction services totals \$165,313.55 plus a 10% contingency for a total project cost of \$181,845.00.

Vice Mayor Ramirez moved to approve entering into a contract with Axiom Contracting, LLC for the total cost of \$181,845.00 including a 10% contingency; seconded by Councilor Jones. Motion carried unanimously (7/0).

- D. Public hearing, closure of public hearing, followed by consideration and action to adopt Ordinance O16-03-03 amending City Code Section §154.102 DEFINITION OF TERMS (B) PERSONS and §154.107 MISCELLANEOUS REQUIREMENTS (K) *Noise*. (Police)

Mayor Mook opened the Public Hearing.

Assistant Police Chief Laura Liuzzo reported the purpose of this proposed code amendment is because the current city noise code is difficult to enforce due to vagueness and it does not differentiate the reasonableness of noise levels based upon the time of day or location. The revised code more closely mirrors the Arizona Revised Statute (ARS) criminal code for Disorderly Conduct (13-2904) which uses a reasonableness standard. The Title 13 version of the definition of "person" is also being proposed which is broader than the current city code version. The proposed code will establish the location where the decibel level measurement is taken from and will create a presumption of unreasonable noise from 10:00 p.m. to 6:00 a.m.

Mayor Mook asked if this would include barking dogs and Chief Liuzzo stated no because another City Code adequately addresses barking dogs.

Councilor Shapera inquired about how the 55 db. standard was established and was advised by AC Liuzzo that the 55 db. was already a part of the current City Code and while there are some noises that could exceed 55 db., such leaf blowers, she stated that time of day use would determine reasonableness. Councilor Shapera further asked what the consequence would be for violation and was advised this violation would be a civil charge with fines; under egregious circumstances there could be criminal charges.

Councilor Jones stated staff did a super job of clearing up loopholes.

Councilor Delgado stated businesses on the east side of El Mirage Road , adjacent to Gateway Park, often start quite early in the morning during summer months and wondered how the time constraint would impact them; AC Liuzzo reported the police department would work the businesses regarding reasonable expectations.

No public comments were received and May Mook closed the Public Hearing.

Vice Mayor Ramirez moved to approve Ordinance O16-01-01 to amend City Code §154.102 and City Code §154.107 as recommended; seconded by Councilor Jones. Motion carried unanimously (7/0).

E. Consideration and action to adopt Resolution R16-03-06 adopting the FY 2017-2021 Capital Improvement Plan (CIP). (Finance)

Finance Director Robert Nilles reported the City sales tax collections have increased from \$4.92M in 2006 to 6.74M in 2016. The per capita secondary tax levy has remained consistent at \$60M from 2012/13 through 2015/16 and the per capita primary tax levy has decreased for the same time period. Mr. Nilles then stated the CIP fiscal year totals for each of the five years from 2017 through 2021 and highlighted numerous additions to the 2017-21 CIP that included a plotter/scanner, public safety vehicle lighting, server, firewall, and computer replacements, pole camera purchase, software conversion and upgrades, police vehicle revolving replacement, skate park enhancements, relocation of Community Garden, public works vehicle replacements, bus pullouts incorporated into the El Mirage Road construction project, replacement fencing for water line access, and vactor truck repairs.

Councilor Shapera asked where the Community Garden would be relocated to and was advised by Dr. Isom it is planned for the corner of El Mirage Road and Ventura, north of the Senior Center. He further confirmed that the current location of the garden is a commercial lot owned by the City.

Councilor Shapera asked why the City would pay to remove and/or replace property owner's fencing and outbuildings encroaching on the water line easement. Mr. Nilles reported the City has an easement but the property technically belongs to the property owner. There are 10-12 property owners who would be impacted.

Vice Mayor Ramirez asked if there was a City code addressing property owners building over an easement. Dr. Isom reported this is a unique situation where in the past the City either allowed or did not pay attention to the fact that fences were being built over the easement and waterlines. City Engineer Gastelum explained that in other areas, the City has right of ways, but these are only easements which are not owned by the City, rather, they are owned by the property owners. The plan is to create an alleyway where two rear fences join over the easements on Alto and Palm Streets north of Thunderbird Road. This is a preventive measure since the water lines have been in place for many years and repairs are possible but far more difficult without clear access.

Councilor Shapera questioned the \$500,000 noted for Northern Parkway and Mr. Nilles reported the first payment this year is budgeted the same as before to avoid the appearance of breaching the contract.

Vice Mayor Ramirez moved to approve Resolution R16-03-06 adopting the FY 2017-2021 Capital Improvement Plan (CIP); seconded by Councilor Jones. Motion carried unanimously (7/0).

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:

1. Legal Update

Attorney Scott Houston updated Council regarding a worker's comp claim regarding an employee stating the City did prevail in this situation on several counts; the incident was not defined under Arizona Exposure as a significant exposure the medical attention received was not recognized to be reasonable and necessary. The award will not be final until March 12, 2016.

2. Easter Event

Dr. Isom reported there will be an Easter Eggstravaganza on Saturday, March 19th from 9:00 a.m. to 1:00 p.m. at Gentry Park. There will be egg hunts for all ages, free photos with the Easter Bunny, arts and crafts, petting zoo, carnival rides, music, and food and free admission. Sponsors include Parks & Sons of Sun City, Inc., Walmart, Hickman's Family Farms, Coco's Towing and APS.

3. Groundbreaking Ceremony for City Hall

The groundbreaking ceremony for the New City Hall will take place on Thursday, March 3rd at 10:00 a.m.

4. General Construction Update Regarding Road Improvements.

Mr. Gastelum reported work on underground utilities is underway on El Mirage Road south of Cactus to Peoria Road and by the end of March, asphalt work should be started. Traffic will be moved from the east lanes to the west side.

The waterline north of Thunderbird will be completed in the next couple of weeks at which time resurfacing of El Mirage road north of Thunderbird will begin. The contractor is the same for both projects with the equipment already on site providing for a smooth and efficient transition.

The one-year state intersection project on Thunderbird Road and Grand Avenue will be ready to advertise the first week of April and construction is scheduled to begin late June.

Dr. Isom commended Jorge Gastelum and his staff regarding their superb handling of many simultaneous major projects in the City at this time.

5. Bulk Trash Report

Deputy City Manager Larry Dobrosky reported on the background and history of the bulk trash program in partnership with Parks & Sons. He restated the goal of enhancing community appearance by providing a convenience to residents for curbside bulk trash pick-up two times per year. The cost in 2013 was approximately \$27,450 and by 2014 was near \$45,000. The program became very popular but costs also increased because of non-compliance issues. Many of those issues were addressed with an enhanced and productive program now in place that involves Code Enforcement, but the costs have continued to rise. Solving the non-compliance issues has helped to reduce some of the labor costs, but the program has grown in popularity resulting in higher costs. The budget for FY 2015/16 is \$60K and the Fall event cost \$46K. Mr. Dobrosky stated a decision would need to be considered for the Spring 2016 event; either cancel and wait for the Fall event in next fiscal year or possibly request funds from Council Contingency to help offset the budget shortfall for FY 2015/16.

6. Luke Air Force Base Award

Police Chief Terry McDonald displayed the framed Fighter Country Partnership Award received by the City in recognition of the partnership with the City of El Mirage. Assistant Chief Liuzzo also received the same award for her actions and chairmanship of a very successful fundraising event. He stated he was proud to attend the award dinner and feels the City was very well represented and recognized. Dr. Isom pointed out AC Liuzzo obtained sixteen sponsors and raised \$24,000. AC Liuzzo stated she has worked with Luke Air Force Base for years and was proud to contribute in this small way; she also recognized Fire Chief Wise and Battalion Chief Juan Rodrigues for their participation in a very successful event.

7. Police Chief Terry McDonald's Email to Police Department Staff

Chief McDonald explained to Council his position for sending an email to all police department staff that Council had received. He stated he needs to have a work force who understands they have management who support them and they need to be armed with accurate information. He commended Finance Director Robert Nilles on his presentation at the previous Council meeting and believed subsequent unfounded rumors needed to be squelched. There would be no pay cuts and the police department is not going to be replaced by the Sherriff's department. If Police Officers are going to be disillusioned, he would prefer it was from factual information. The Police Department needs to be an organization of people who want to be a part of this City and if they are not entirely happy working for the El Mirage Police Department they may need to explore their options. He appreciates every one of his

employees and feels good about telling of the support from Dr. Isom and Council on a day to day basis.

8. Dr. Isom commendations:

Dr. Isom commended Robert Nilles, Christy Eusebio and all other staff involved in the CIP and other documents this City has grown to depend on over the years.

9. Deputy City Manager Larry Dobrosky

Dr. Isom reported that Deputy City Manager Larry Dobrosky will soon be the City Administrator in St. Charles, MO. His last day with the City is Friday, March 4th. He is an extremely capable person and has been a pleasure to work with over the years. Friday evening there will be a goodbye gathering at Red's restaurant at the Wigwam's Resort in Litchfield Park. Mr. Dobrosky has a phenomenal spirit and family and he will do a phenomenal job for the City of St. Charles.

Larry Dobrosky stated he has been extremely blessed to be part of this organization for the past 4 ½ years. Leadership and staff have given very good direction and the support to be innovative and creative has provided many opportunities for his department. He has enjoyed his personal and professional relationship with Dr. Isom and the staff and department heads are a great group of people. He is most proud of the staff in Public Works. He thanked the City for the confidence in him and appreciates having been a part of this organization.

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 attended the recent Antique Car Show special event and reported it was very well attended. He also noted there were far more cars participating than he has ever seen before in El Mirage. He also participated in the Dysart Elementary School reading program and advised Thompson Ranch School is looking for more readers next week. He stated it is a great experience.

Vice Mayor Ramirez thanked staff who worked on the FY 2017/21 Capital Improvement Plan. He stated this is a blueprint for the future and shows transparency; he is confident this can show accountability to taxpayers for their dollars. He further stated saying goodbye to Deputy City Manager Larry Dobrosky is bittersweet; he is sorry to see him go but knows it is a great opportunity for him. He will be missed and is always welcome to come back home.

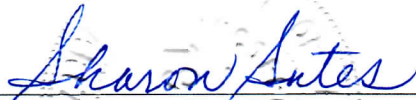
VIII. ADJOURNMENT

The meeting was adjourned at 7:40 pm.



Lana Mook, Mayor

ATTEST:



Sharon Antes, City Clerk

I hereby certify the aforementioned minutes are a true and accurate record of the El Mirage Regular City Council Meeting held on Tuesday, March 1, 2016 and a quorum was present.



Sharon Antes, City Clerk