

**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, JUNE 21, 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.

Alyson Cline, President of the Friends of the Surprise Library, addressed Council to advise them of an upcoming campaign to purchase new books that will revitalize the El Mirage Elementary School Library. She noted that since 2006, Friends of the Surprise Library has donated \$5,642.55 to public schools located within the City of El Mirage. Working together with the El Mirage Elementary School PTO, funds are being collected through the month of August for this cause and the Friends of the Library encourage the Council to actively support this campaign by helping get the information out to residents and local business owners using existing communication channels.

**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, June 7, 2016. (City Clerk)

2. Consideration and action to authorize the City Manager to enter into various Public Works sole source, State covered, or cooperative purchasing FY 2016-17 contracts. (Public Works)
3. Consideration and action to adopt Resolution R16-06-16 setting miscellaneous fees and service charges. (Finance)
4. Consideration and action to approve a Cisco network maintenance agreement renewal with the National Intergovernmental Purchasing Alliance (IPA) contract vendor, CDWG, in an amount not to exceed \$40,000 for FY 2016-17. (Information Technology)
5. Consideration and action to approve the FY 2016-17 Transit Services Intergovernmental Agreement (IGA) between the City and Valley Metro/Regional Public Transit Authority (RPTA) for Dial-a-Ride Services. (Administration)
6. Consideration and action to reappoint Nancy Persichilli to the Public Safety Personnel Retirement System (PSPRS) Local Boards of the Police and Fire Department for a four-year term ending February 20, 2020. (Human Resources)

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

V. **REGULAR AGENDA**

- A. Consideration and action to fill two vacant Planning & Zoning Commission seats for two year terms ending June 30, 2018. (Mayor)

A question was raised by Councilor Delgado about the members who served on the Review Committee to interview and make recommendations for filling the two vacant Planning & Zoning Commission seats believing he had previously been appointed and should have been on the committee reviewing candidates for this year's recommendations. Mayor Mook responded that she has made many appointments to sub-committees over the last six years and did not believe that the review committee for P & Z vacancies was a standing committee with permanent committee member appointments. She apologized for any misunderstanding regarding this matter but stated that staff, in fact, reported that the sub-committee last year, who recommended the reappointment of Frank Carnal and Justin McCarty and the appointment of Martin Crosby to fill three vacant P&Z Commission seats in 2015, was comprised of the same committee members who reviewed applications received this year to fill two vacant positions.

City Attorney Robert Hall provided Council with three possible scenarios to clarify the situation if one was needed. Councilor Shapera believed that sub-committees need to be approved by Council and that the guide book should be followed but he also believed the recommended candidates are a good selection. City Attorney Hall advised that the City Code takes precedent over a guide book and confirmed committees are created by Council, but further stated the Code is silent on timelines, terms of appointments, etc. Councilor Delgado stated he did not want staff to spend any more time on the matter and wanted to move forward. Mayor Mook requested Staff to review and make Code recommendations to clarify this matter.

**Vice Mayor Ramirez moved to fill two vacant Planning & Zoning Commission seats for two year terms ending June 30, 2018; seconded by Councilor Shapera. Motion carried unanimously (7/0).\***

*\*Names of Commissioners identified at subsequent meeting.*

- B.** Consideration and action to approve Ordinance O16-06-05 adopting the City's property tax levies for Fiscal Year 2016-2017. The Primary Property Tax Levy is \$1,654,937 and the Secondary Tax Levy is \$2,030,000. The total levies for FY 2016-2017 are \$3,684,937. The total estimated combined property tax rate is \$3.7834. (Finance)

Deputy City Manager (DCM)/Finance Director Robert Nilles reported the tax levy is the last step in the budget process, advised there are no increases, and the levy is the same as last year.

Councilor Delgado asked if the Primary or the Secondary was being reduced to which Mr. Nilles responded that they both reduced this year because the assessed valuations went up. The State, however, passed a law that limits how much property tax evaluations can go up so rates dropped only a small amount; they would have dropped much more if actual property valuations were used.

**Vice Mayor Ramirez moved to approve Ordinance O16-06-05 adopting the City's property tax levies for Fiscal Year 2016-2017 with the Primary Property Tax Levy at \$1,654,937 and the Secondary Tax Levy at \$2,030,000 for a combined total levy for FY 2016-2017 of \$3,684,937; seconded by Councilor Delgado. Motion carried unanimously (7/0).**

- C.** Consideration and action to approve Resolution R16-06-17 amending Chapter 30, Sections §30.20 – §30.35 *Purchasing* 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. (Finance)

DCM/Finance Director Robert Nilles reported the proposed changes to the Purchasing code clarifies purchases under \$30,000 and addresses a number of transparency issues. He introduced Purchasing Administrator Cadle Collins who reviewed the code updates for Council. The changes identify the purpose of the purchasing code which is to direct City personnel regarding expenditures and separate authority. The City Manager has the authority to approve "informal" purchases up to \$30,000 and "formal" purchases over \$30,000 require Council approval. Mr. Collins explained the procurement process over \$30,000 noting that no splitting of projects or purchases was allowed to circumvent the process and that the City Manager may increase a Council approved PO up to an additional \$30,000. Councilor Shapera stated he was not familiar with that practice and asked if it happened often. Mr. Collins responded it is not a frequent occurrence but that if an item does exceed the approved amount, it must currently go back to Council for approval; this proposed code provides for efficiency when the overage could be something as simple as taxes or freight not accounted for in the original amount approved by Council. Mr. Collins further explained the Sole Source Exclusions from Council approval which includes payments for utilities, debt, employee costs, employer-provided benefits, insurance, banking fees and charges, pass through payments, reimbursements, taxes and assessments, and payments to other governments. Mr. Nilles explained that even though budgeted, these types of payments, which routinely exceed \$30,000, are technically code violations as the code is currently written if not first approved by Council. This code revision will clarify that matter. Councilor Selby asked if these technical violations impacted the City's audit results and Mr. Nilles responded that by identifying and clarifying this matter, there is no room to contend there is a violation.

The Code further defines professional services, emergency purchases, cooperative purchases, sole source selections and use of city personal for municipal construction projects as stipulated in A.R.S. Mayor Mook asked for an explanation regarding use of city personnel and was advised by Mr Nilles that A.R.S. caps the amount of a project that would allow use of city personnel versus the amount that would require a bid process.

Two of four authorized signatures are required on checks and backup for City expenditures except two of three authorized signatures are required for Court expenditures. Mr. Collins explained about bid protests and appeals as well as disposition of surplus city property.

**Vice Mayor Ramirez moved to approve Resolution R16-06-17 amending Chapter 30, Sections §30.20 – §30.35 *Purchasing 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 Delgado. Motion carried unanimously (7/0).**

**D.** Consideration and action to approve Ordinance O16-06-06 amending Chapter 30, Section §30.20 – §30.35 *Purchasing* and adopting and making a part of

the El Mirage City Code that certain document titled “Chapter 30, ADMINISTRATION GENERALLY, *Purchasing*” and declared to be a public record by reference in Resolution R16-06-17. (Finance)

Mr. Nilles stated this item is the Ordinance that will be published by reference to the Resolution previously approved.

Councilor Delgado asked when this item would appear in the Code Books and was advised by City Clerk Antes that the Ordinance is required to first be published for 30 days prior to becoming effective and would then be submitted to the publishing company who codifies all ordinances. Once processed by the publishing company, the ordinance would be inserted into the code books and the on-line code as well.

**Vice Mayor Ramirez moved to approve Ordinance O16-06-06 amending Chapter 30, Section §30.20 – §30.35 *Purchasing* and adopting and making a part of the El Mirage City Code that certain document titled “Chapter 30, ADMINISTRATION GENERALLY, *Purchasing*” and declared to be a public record by reference in Resolution R16-06-17; seconded by Councilor Delgado. (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. New Employees

Acting Public Works Director Nick Russo introduced Uriel Ramirez who is the newest member of the Parks Team. He comes originally from California and brings with him a good deal of experience; his first two weeks has been working on irrigation systems. Mr. Russo stated Uriel has a great attitude and fits in really well with the team. Mr. Ramirez stated he has seen the recent growth of the City and is happy and excited to work for the City of El Mirage.

### 2. Future Employee

IT Director Tom Bacome introduced his son Jacob, representing Boy Scouts’ Troup 938 and attending this City Council Meeting to work on his Citizenship Merit Badge. Part of his badge requirements included interviewing a City staff member; Jacob interviewed GIS/Planner Jose Macias regarding bicycle paths. Tom then introduced his wife Christine, also in attendance.

3. El Mirage Fire Department Promotion Ceremony

Dr. Isom again invited everyone to attend the El Mirage Fire Department Promotion Ceremony for individuals being promoted to the positions of Battalion Chief and Captain. This event will be held Thursday, June 23, 2016 at 10:30 AM at 13601N. El Mirage Road with lunch served immediately following the ceremony. The promotions will be presented to David Cleveland, Joe Fusco, Jeffrey Kinkade, Joseph Rivera, Chris Richardson and Darrell Tirpak.

**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 thanked the City Manager for moving the Cactus Road and 127<sup>th</sup> Avenue crosswalk project ahead of schedule.

Councilor Delgado seconded his thanks for moving the crosswalk project forward as well. He then reported on the Summer Reading Program at the El Mirage Library that currently has 52,159 readers participating in the program who have accumulated 209,365 points to win badges and prizes.

Vice Mayor Ramirez commended the Finance Department for identifying and improving transparency issues with the procurement code and showing that the City is good stewards of taxpayers’ dollars.

Councilor Jones thanked the Public Works staff for working outside in these extremely hot temperatures which is difficult and shows their pride of service. He also thanked the Police and Fire Departments for their service and responses during these extreme temperatures as well.


**VIII. ADJOURNMENT** - The meeting was adjourned at 6:54 pm.

  
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Lana Mook, Mayor

ATTEST:

  
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Sharon Antes, City Clerk

I hereby certify the aforementioned minutes are a true and accurate record of the Regular City Council Meeting held on Tuesday, June 21, 2016 and a quorum was present.

  
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Sharon Antes, City Clerk