

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
10000 N. EL MIRAGE ROAD
6:00 PM - TUESDAY, MAY 16, 2017**

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. PROCLAMATIONS

P1. Proclamation to declare May 21 – 27, 2017 as National Public Works Week (Public Works)

Assistant Public Works Director Nick Russo addressed the Council. Since 1960, the American Public Works Association has endorsed National Public Works Week. Across North America, thousands of municipalities in the U.S. and Canada use this week to energize and educate the public on the importance of public works to their daily lives: planning, building, managing, and operating at the heart of their local communities to improve everyday quality of life. The theme for this year is “Public Works Connects Us.” Mr. Russo stated it was his pleasure to represent the team of talented public works professionals to serve the community in El Mirage and truly live up to that theme every day.

Mayor Mook proclaimed the week of May 21-27, 2017 as “National Public Works Week” in the City of El Mirage and called upon all citizens and civic organizations to acquaint themselves with the issues involved in providing public works services and to recognize the contributions which public works officials make every day to the health, safety, comfort, and quality of life for all residents.

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.

No Public Comments Cards were received.

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, April 18, 2017. (City Clerk)
2. Consideration and action to approve the destruction of municipal construction documents that have reached the end of their retention period as authorized under A.R.S. §41-151.19. (Development & Community Services)

Vice Mayor Ramirez moved to approve Consent Agenda Items 1 and 2 as presented; seconded by Councilor Delgado. Motion carried unanimously (7/0).

VI. REGULAR AGENDA

- A. Public hearing, closure of public hearing followed by consideration and action for a site plan approval for an exterior storage yard and operation center use at the NWC of El Mirage Road and Alice Avenue, El Mirage, Arizona, 85335 submitted by EPCOR Water Arizona Inc. (Development & Community Services)

Mayor Mook opened the Public Hearing

Development Services Coordinator Jose Macias presented a PowerPoint presentation of the EPCOR Site Plan for approval. This Site Plan is for an exterior storage and operation center for EPCOR Water Arizona, Inc. located at 8700 N. El Mirage Road. The lot is 2.48 acres with a 13,783 sq. ft. building. The Zoning is EI (Employment Industrial) with an Agriculture Land Use. The General Plan provides for a Commerce/ Industrial Park. According to ARS §28-8481 it is within the 70-65 LDN. This property is bordered on the north with agriculture, on the east with mining, on the south with industrial and on the west with agriculture. Planning & Zoning have received no public comments. Mr. Macias reviewed the aerial site plan, the elevations and the perspective renderings. He gave the background of Edmonton Power Corporation (EPCOR) which was founded in 1891 and had headquarters in Edmonton, Alberta Canada with a service area covering Canada and the United States. They now have a total of 2,200 employees with 284 in the United States, 31 in New Mexico and Texas and 253 in Arizona. The EPCOR Agua Fria Operations Center in El Mirage will employ 70 people who provide water system management, control and plan field crews, install and maintain water lines/meters and store service trucks, equipment and supplies at this operation center.

At the Staff Review (Technical Advisory Committee - TAC), there were no objections. Stipulations require the applicant to address any outstanding TAC review comments with the building permit plans prior to obtaining the Certificate of Occupancy. On May 9, 2017 the Planning and Zoning Commission held a public hearing where the Commissioners recommended approval of the development application with a 5-0 vote with staff's stipulations. Staff is seeking a final action for the development application of the EPCOR site plan.

Councilor Shapera asked if there is gas or diesel pumps on site and EPCOR representative Travis Nettle responded there are none. Councilor Shapera asked if they fuel their own vehicles and Mr. Nettle stated they do not.

Councilor Delgado asked if the new facility would be a sales office in El Mirage and Mr. Nettle answered no, this facility is an operation and staging center.

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

Dr. Isom thanked staff for their work with EPCOR. The architecture of the building is very similar to City buildings and he hopes a scale has been set to identify for other developers to submit buildings of similar quality.

Vice Mayor Ramirez moved to approve a site plan approval for an exterior storage yard and operation center use at the NWC of El Mirage Road and Alice Avenue, El Mirage, Arizona, 85335 submitted by EPCOR Water Arizona Inc.; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- B. Public hearing, closure of public hearing, followed by consideration and action to recommend to the Arizona Department of Liquor Licenses & Control approval/disapproval of an application for a license for Carniceria Sahuayo LLC at 12465 NW Grand Avenue, El Mirage, AZ 85335. (Police)

Mayor Mook opened the Public Hearing.

Assistant Police Chief Laura Liuzzo presented a PowerPoint presentation for this new Series 10 (Beer and Wine Store) liquor license for the Carniceria Sahuayo LLC to be located at 12465 NW Grand Avenue. The Owner/Applicant has no criminal history and there have been no calls for service at the business address. Within a ½ mile radius there are four active liquor licenses, three existing churches and no existing schools. The application lists Guillermo Vega Gomez as the applicant/owner for the liquor license. A comprehensive ACIC/NCIC records check conducted on Mr. Vega Gomez revealed no wants or warrants. A records check of Carniceria Sahuayo with the Arizona Corporation Commission revealed no significant incidents or actions. Applicant's location is in compliance with ARS §4-207(A)(B). Based on the investigation conducted and information obtained, the Police Department provides a "no recommendation" regarding the pending liquor license application.

Councilor Delgado asked if Mr. Gomez owns the market directly across from the Post Office and an applicant representative answered and confirmed that the owner does own that business. It is the same owner moving to a new location.

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

Vice Mayor Ramirez moved to recommend approval to the Arizona Department of Liquor Licenses and Control for an application for a license for Carniceria Sahuayo LLC at 12465 NW Grand Avenue; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- C. Public Hearing, closure of public hearing, followed by Council's consideration and action to recommend to the Arizona Department of Liquor Licenses & Control approval/disapproval of an application for a liquor license for Mario's Pizza, 13915 N. Dysart Road, C3. (Police)

Mayor Mook opened the Public Hearing.

Assistant Police Chief Laura Liuzzo presented a PowerPoint presentation for this agent change for a Series 12 – Restaurant for Mario's Pizza located at 13915 N. Dysart Road, C3. There is no relevant criminal history and no significant alcohol related calls for service at the business address. In a ½ mile radius there are four liquor licenses, and no existing churches or schools. The application lists Adrian Ambari as the applicant/owner for the liquor license. A comprehensive ACIC/NCIC records check conducted on Mr. Ambari revealed no warrants. Mario's Pizza has a current City of El Mirage business license as of 4/14/2017. A records check of Mario's Pizza with the Arizona Corporation Commission revealed the business is in "Good Standing" with no significant issues. Applicant's location is in compliance with ARS §4-207(A)(B). Based on the investigation conducted and information obtained, the Police Department provides a "no recommendation" regarding the pending liquor license.

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

Vice Mayor Ramirez moved to recommend approval to the Arizona Department of Liquor Licenses and Control for an application for a license for Mario's Pizza at 13915 N. Dysart Road, C3; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- D. Consideration and action to authorize execution of the IGA with the City of Surprise to construct a median in Dysart Road between Peoria Avenue and Cactus Road. (Development & Community Services)

Development and Community Services Director/City Engineer Jorge Gastelum presented a PowerPoint presentation regarding this Intergovernmental Agreement (IGA) to Council. The Skyway Business Park in the City of Surprise constructed off-site improvements in FY 2007/08 for general light industrial uses. New development will be constructed in two phases. There will be four access

driveways in Phase 1 and four access driveways in Phase 2. Medians are not required for access control and will be consistent with other City of El Mirage medians.

Under this Intergovernmental Agreement (IGA) the City of Surprise will design, submit construction permits to El Mirage, procure a contractor, construct and inspect the medians, and provide a one-year warranty. The City of El Mirage will process no-fee permits, provide oversight of traffic control, and accept operation and maintenance after completion.

Mayor Mook asked how long this process would take and Mr. Gastelum answered there is no schedule set yet but he will inform everyone as soon as the schedule is worked out with the City of Surprise.

Councilor Shapera wanted an addendum to the IGA requiring APS to finish Dysart Road at the substation. He stated APS has promised they would take care of it since 2006. Mr. Gastelum reported he has contacted APS and worked with the City of Surprise regarding this area several times in the past and received no response from APS, but stated he would discuss again with the City of Surprise within this IGA.

Councilor Delgado requested the City to consult with Dysart Unified High School regarding the potential for increased traffic and Mr. Gastelum agreed.

Councilor Jones stated he believed that within this improvement area of the industrial park there is a sizeable company planned and asked what kind of truck traffic might have an impact on nearby schools. Mr. Gastelum stated he is not aware of that type of company coming to the area but will check and also noted there is the requirement to provide a traffic study before completing the development process.

Dr. Isom asked Mr. Gastelum whether this IGA provides for additional access points and Mr. Gastelum reported these access points are part of the IGA.

Vice Mayor Ramirez moved to authorize execution of the IGA with the City of Surprise to construct a median in Dysart Road between Peoria Avenue and Cactus Road; seconded by Councilor Delgado. Motion carried unanimously (7/0). Mayor Mook assured Councilor Delgado the Dysart Unified School District will be notified of any traffic impacts.

F. Consideration and action to accept Willdan Financial Services' Dysart Ranchettes Irrigation rate study and make a copy available for review in the City Clerk's office and on the City website per ARS § 9-511.01. (Finance)

Assistant Finance Director Christy Eusebio explained this item is to request the Council to accept the Willdan Irrigation Rate Study Report. She introduced Kevin Burnett from Willdan Financial Services to present the study findings.

Dr. Isom reported he sent a letter to all known addresses for the Ranchettes' residents and was pleased to see so many residents present. Prior to Mr. Burnett's report, he asked City Clerk Sharon Antes to provide a history of the irrigation system from her research of records available. (A copy of the history is attached to these minutes).

Dr. Isom reminded Council that Mr. Burnett was previously with Red Oak when the previous rate studies were done for the City in 2011 and now is with Willdan, so he is familiar with the City's history.

Mr. Burnett presented a detailed PowerPoint presentation that showed a 5 year average cost of pumping water from a dedicated well which included staff, electrical and recharge costs, but did not include capital replacement costs. He explained the costs in both per hour cost, per 1,000 gallons cost and what the accurate cost should be charged to recover the cost of production. The current charge of \$20.97 per hour should be \$52.11 per hour (or \$1.04/k gallons) according to the study. He also explained the report from another division of his company who projected the capital cost to entirely replace the irrigation system to be \$698,250 that included well site replacement, reservoir and hydro tank removal, fence replacement, well pump replacement, and irrigation ditch replacement. He stated there is no current plan to entirely replace the system, but the approximate costs for replacement would need to be available should the need arise. Mr. Burnett further noted that no other entities provide irrigation service the same way as El Mirage, stating all other cities use surface water rather than pumped well water. That said, he noted costs for Mesa at \$52.95 per hour, Tempe who has a semi-annual fee per parcel of \$152.62, Buckeye who has a base fee of \$55.00, and Chandler with a base fee of \$8.57 plus \$2.42 per 1,000 gallons. The City of Glendale provides flood irrigation service to residents in the old part of the City using surface water and a cost based on acreage rather than a per hour rate.

Dr. Isom asked Mr. Burnett to explain the difference between surface water and ground water and Mr. Burnett explained that ground water is more expensive primarily because there is a recharge fee that surface water users are not charged.

Councilor Delgado asked if the amount of ditch time was considered in the study and Mr. Burnett reported they took a look at the total run time for the Ranchettes over the course of an entire year, stating no analysis was done regarding efficiency. Councilor Delgado stated there were 12 ½ hours of ditch time in the last run that was free and believes that ditch time could be managed more efficiently to reduce costs. Finance Director Robert Nilles reported this hourly rate is not the cost of running the system but, rather, the cost to get the water out of the ground to the ditch. It is the responsibility of the individual irrigator to come up with the methodology to take the water onto their property from the pumped water and the owners are charged for the hours requested to get the water onto their property. There is some evaporation and loss of water through the open ditch system but it still has to be pumped out of the ground. Councilor Delgado stated he wanted to meet privately with Mr. Nilles to discuss ditch time because

he believed he had a way to save money and Mr. Nilles said he would be happy to meet separately with Councilor Delgado.

Dr. Isom stated staff is willing to hear residents concerns. He noted that there was approval at the last Council meeting to talk with the residents but also believes that plan was preempted because of Councilor Delgado's meeting with Dysart Ranchettes homeowners prior to this meeting which complicated staff's approach to this matter. The major concerns are there is an old well without capital replacement dollars and the cost to pump water from the ground is more than is being paid by irrigation users. The study looked at what is currently done and if there is a way to reduce rates/costs; staff and Council is willing to listen.

There was a considerable number of Public Comment cards received from residents on this agenda item with comments summarized below. Mayor Mook stated she would take comments in the order in which she received the cards.

Sue Delgado thanked Council and the Mayor for allowing the Ranchettes irrigators to speak to them but expressed her concern for what she believed was Council's lack of transparency and failure of the sub-committee or staff to meet and discuss issues with the Ranchettes irrigators until now. She stated she believed the committee was made up of people who know nothing about irrigation and if the consulting company knows nothing about ditch time, she did not believe the study.

Jean Bergen stated she purchased her property in El Mirage specifically because of the ability to irrigate and wondered what her "water rights" are - she also asked why they had to pay a recharge fee. She commented she understands the City not wanting to subsidize the irrigation system but believes Ranchettes owners subsidize other things in the City and asked why the Ranchettes does not have sidewalks, street lights or parkway landscaping.

Susan Freberg said she appreciates the work the City does but asked why the Council considers the Dysart Ranchettes to be the "bastard stepchild" of El Mirage. She feels Council is ashamed of the Ranchettes and doesn't want to include them as part of the City. She stated she was in the Ranchettes when they were annexed in 1989 and believed they were told the only way they could get irrigation was if they agreed to be annexed into El Mirage and assessed for the water system. She further commented she does not believe others are paying for her water and that she and all other Ranchette owners pay their water bills and their property taxes and want to be a part of the City and be included in this discussion about their water system.

Deborah Flowers stated she purchased her property in 2009 specifically because of the irrigation and has animals, fruit trees, and green pastures. She spoke about the high cost she had to pay for potable water during a month in 2014 when the pump went down. She talked about a neighbor who tried a sprinkler system that turned out to be cost prohibitive and her own solar well pump she had in Tonapah that was far more efficient. She said a better study is needed to offer solutions

and thought it unfortunate that staff and the consultant did not understand “ditch time.” She also believed it to be the City’s responsibility to maintain the ditches but they have not been maintained and that cost had to be borne by the irrigators.

Ernesto Saenz Hernandez stated it was he, and not Councilor Delgado, who passed information to Ranchettes owners and convened the meeting held prior to this meeting. He reported he has a problem with his ditch overflowing every irrigation period because of an incorrect installation of a neighbor who receives irrigation and he wants to work together to solve these problems.

Douglas Hood (husband of Debra Flowers) stated they have been in the Ranchettes since 1968 and they are familiar with irrigation. He explained the irrigation in the Arcadia District and stated he doesn’t understand why pumped water is more expensive because it is untreated water pumped directly. He said the Ranchettes have no sidewalks or street lights and they should receive credit for that. He noted owners are responsible for cleaning, repairing and maintaining their own system. He concluded by saying he appreciates the direction the City is taking and asked what the cost was for the study.

Miguel Martinez has lived on Wolfley Drive since 2005 and by his deed he is supposed to be an irrigated property. He noted that Council wanted to raise the rates three or four years ago and now they are coming up with another study; he wanted to know who ordered the study and for what reason. He gave his philosophy that the well site replacement of \$350,000 was not needed – if it’s not broke, don’t fix it.

Ray Duncan lives on Peoria Avenue and stated he can’t believe everyone is fighting over water again. He said that part of the terms of the settlement agreement was that the Ranchettes would agree to be annexed if the Ranchettes owners agreed to purchase the well and the new system. He noted he has never used the irrigation and this study seems to be a forerunner of who is going to pay for an upgrade. He asked if the study is agreed to whether the City or the Ranchettes is going to pay for any upgrade. He also expressed a feeling that the Ranchettes is treated like the stepchild of El Mirage and wished they would get the same attention the rest of the City gets.

Tom Ferruccio lives on 125th Avenue and stated he has had three parcels since 1999 and chose the City of El Mirage because of the irrigation in order to maintain his horses. He stated that the recent changes in the City have been great but wondered why nothing in the Ranchettes has been addressed and he is worried that the water will be taken away. He stated he has a document saying the City would maintain the ditches and the culverts but the City has not. He further stated he understands the need for cost recovery and wants to work together with the City.

Anita Norton lives on 127th Avenue and said she has researched water relative to boarding horses in El Mirage. She has 2 ½ acres of which 1 ¼ acres are in pasture for her horses and soon cattle are to be added. She disputed the rate study

saying it does not take into account ditch water being wasted, the recharge costs are double the costs for electricity and administrative fees, the well is in good shape and does not need to be fixed until it breaks, and there is a problem with the operation of the system. She also stated that sprinkler systems will not work because of too much evaporation and did not think the City wanted the liability for damaged horse hooves because sprinklers would not work. She claimed the committee never met with the Ranchettes owners and while she acknowledged the rates may need to be amended, she felt there could be savings through monitoring the ditch time.

Dr. Isom explained acceptance of the study does not raise rates. Willdan used standard protocol for this study and noted that the referenced 2009 analysis with a higher rate probably included capital costs; if this current study included capital costs, the hourly rate would be much higher and closer to the 2009 rate. He assured residents that the City does, in fact, consider Dysart Ranchette owners as part of the City and takes all inquiries very seriously. It is a tough discussion because there is a real cost to providing water out of the well and he was happy with the interest shown at this meeting stating he does not want a separation between neighbors and the community that serves the residents. The reality is the current amount charged does not cover the cost of the water produced which was determined and presented in 2006, 2009, 2011, 2013 and again here. He stated this Council needs to address the long term implications of not having money set aside for repairs or replacement and a liability that cannot be ignored. In planning for the future, he is attempting to be responsible and work with the Dysart Ranchettes owners to discuss options; tonight is merely accepting a study.

Councilor Shapera asked why the urgency in approving the study stating he wanted to wait and move it forward to discuss with owners and Willdan. Dr. Isom responded that if the City does not move forward, the history of this issue shows nothing will be done. The study is just a benchmark. Councilor Shapera stated he will not consider the numbers etched in stone.

Councilor Delgado had no comment.

Vice Mayor Ramirez reiterated it is only accepting a study and Mayor Mook asked for a definition of "accepting." Dr. Isom pointed out that according to state statute, if Council wanted to move toward adjusting a rate, there would need to be a third party study conducted. There is a 30-day waiting period if Council wishes to move forward and then an additional 60 days after that would be when a new rate could go into effect. Accepting the study will give ample opportunity for staff to sit down with interested residents and talk about the alternatives, report to the Council sub-committee and move forward.

Mayor Mook asked if questions could be answered within the next 30 days noting the issue was not resolved in 2009 or 2011. She suggested interested Ranchettes give phone numbers to the City Clerk in order to have a meeting with the owners. She advised residents that Council wants you to know what they have been grappling with and requested a fair meeting with owners. A lot of improvements

have been made over the last seven years and Council is proud of the Dysart Ranchettes and wants to help resolve the issue that has been in existence for 30 years.

Councilor Jones stated the Dysart Ranchettes subdivision is beautiful and he understands the passion. He stated there needs to be a meeting and to get people together to solve this problem. The costs are real and everyone working together is needed to figure out a workable solution. The Council is voting to accept a study by a third party.

Resident Tim Gonzalez addressed Council stating he is a neighbor of Vice Mayor Ramirez and he believes there is a lot of confusion between the owners and the City. He is new to the community and wants to understand the issues. He gave Mayor Mook his phone number and hopes the residents can get together because problems in the area causes people not to want to buy in the Ranchettes.

Resident Ernesto Saenz Hernandez stated he is very passionate and believes it is very important to save the irrigation. He stated the study was done incorrectly by not meeting with the Dysart Ranchettes owners. It is important to maintain their ability to irrigate. He has an issue of flooding during irrigation and has not had much assistance from the City but hoped they can reach some solutions.

Sylvia Saenz Hernandez has contacted the City many times to mitigate the flooding problems they have been having but said she didn't get the help she needed. She is providing facts. Dr. Isom stated he is familiar with this area but was under the impression that help was offered and turned down. He stated he would check on this matter further but noted repair of the ditches is one of the issues that needs to be discussed further. Mr. Saenz stated he understands there are multiple sides to the problem but the perception is the Dysart Ranchettes weren't consulted. He does not feel the study should be accepted because the Ranchettes did not have input.

Mayor Mook stated the City is ready to have a meeting with the Dysart Ranchettes owners and the intent is to fix the problem.

Vice Mayor Ramirez moved to accept the Willdan Financial Services' Dysart Ranchettes Irrigation rate study and make a copy available for review in the City Clerk's Office and on the City website per ARS § 9-511-01; seconded by Councilor Jones. Motion passed (6/1).

A Roll Call vote was requested - YES: Councilor Shapera, Vice Mayor Ramirez, Councilor Palladino, Councilor Selby, Councilor Jones, Mayor Mook; NAY: Councilor Delgado

Mayor Mook thanked everyone for coming. Councilor Jones requested and was granted a break at 7:58 PM. The Regular Meeting resumed at 8:16 PM.

- F. Consideration and action to authorize the City Manager to enter into a sludge hauling and disposal services maintenance contract (PW17-SHD01) with Parks and Sons in an annual amount not to exceed \$123,000. (Public Works)

Assistant Public Works Director Nick Russo presented the process for determining the successful bidder for the Water Reclamation Facility Sludge Hauling and Disposal Services (PW17-SDH01). This item went out to bid in April 2017 with a bid opening on May 10, 2017. Parks and Sons was the apparent low and responsive bidder with an average annual contract amount of \$121,000 for a three-year period with two, one-year renewals.

Councilor Delgado asked if the product was being put in containers and who is responsible for full delivery to which Mr. Russo answered that service is part of the contract and the contractor takes liability as soon as they take the product.

Vice Mayor Ramirez moved to authorize the City Manager to enter into a sludge hauling and disposal services maintenance contract (PW17-SHD01) with Parks and Sons in an annual amount not to exceed \$123,000; Seconded by Councilor Delgado. Motion carried unanimously (7/0).

- G. Consideration and action to approve Resolution R17-05-09 setting miscellaneous fees and service charges for FY 2017/18. (Finance)

Assistant Finance Director Christy Eusebio reported 60 days ago this was brought before Council for the Notice of Intent. There were no raises to any fees or rates and property taxes were lower, so this is only to set the Miscellaneous Fees and Service Charges.

Vice Mayor Ramirez moved to approve Resolution R17-05-09 setting miscellaneous fees and service charges for FY 2017/18; seconded by Councilor Jack Palladino. Motion carried unanimously (7/0).

- H. Consideration and action to approve Resolution R17-05-10 adopting the tentative budget thereby setting the maximum expenditure limit for FY 2017-18. (Finance)

Finance Director Robert Nilles reported the highlights of important changes and aspects of the budget. The theme for this budget year is "Realizing Our Potential." This year's budget is balanced at \$69,711,500 which is significantly less than the FY budget of \$90,652,000. This year's budget uses only \$6,735,000 of fund balance and \$1,970,000 of water bonds (WIFA). The Council Contingency is \$200,000, and the \$6,000,000 reserve has been maintained. The \$650,000 for the Dysart Ranchettes Irrigation System has been moved to the Legal Department. No tax or fee increases are proposed in this budget. Primary and secondary property tax levies are the same as last year at \$1,654,937 and \$2,030,000 respectively. As part of the five-year rate plan, no utility rate increases are proposed for this budget year. State shared revenues account for the

primary growth in City revenues though final numbers will not be available until late May or early June. If possible, the figures will be updated before final budget adoption. Wage increases of 3% and 5% are proposed in this budget, with equity adjustments for Police included.

The City's portion of retirement rates are as follows: 21.61% for PSPRS Fire, 32.60% for PSPRS Police and 11.50% for ASRS (+LTD). Overall, health insurance rates increased a modest 3% this year. An increase of 0.5 FTE in Police and 1.0 FTE in Court are requested to address Photo Enforcement Citations. Capital expenditures are more than the CIP for the following reasons: Carry forward projects have been added to the budget, \$75,000 of LTAF funding is required to construct bus shelters to protect the buses when they are parked at the Treatment Plant and \$61,500 of Grant funding is requested to purchase TRACS electronic citation submission capabilities for the Code Enforcement and Police Departments. The CDBG fund was added back this year to account for the additional fire truck costs and the possible reconstruction of "A" Street.

A new fund was created to isolate revenues and expenses for Ranchettes Irrigation. A new General Fund department was established for Economic Development which was removed from Community Development and is now part of Operational Services (Public Works). Information Technology has been removed from Operational Services (Public Works) and now reports directly to the City Manager. Staff has not identified any changes to the Financial Management Policies for Council consideration. Carry forward Capital Project balances will be updated before the final budget is adopted. For the final budget, \$96,000 of budget authority will be moved from the Legal Department budget line item to Police Overtime.

Councilor Shapera asked how much will be transferred in the Final Budget and Mr. Nilles answered \$300,000 will be transferred in the Final Budget.

Dr. Isom explained this is a transfer that will be included in the Final Budget in support of the Police Department. The Council just recently received communications from the EMPEA regarding officer training; if there is an opportunity for improvement, he wants to make sure the funds are available and he recommends the transfer. He further explained that the Police Meet and Confer process began in December 2016 according to City Code. The proposal submitted to City Administration for Meet and Confer made no mention of any concerns regarding officer safety or training and that would have been the appropriate time to bring that concern forward. There is a Meet and Confer process for a reason and City Code states that purpose is to develop "harmonious and cooperation relations between the city management, elected officials, administrators and the employees of El Mirage." He stated that by circumventing the established process, it seems clear that is not the goal of EMPEA leadership. He asked Council to direct the EMPEA membership to participate in the Meet and Confer process as established, and if there is an issue that needs to be addressed more immediately, please direct them to their immediate supervisor.

Mayor Mook asked for clarification regarding whether the Meet and Confer process was followed. Dr. Isom stated the only item brought forward by EMPEA during the Meet and Confer process was a consolidated MOU that included the Council's recent amendment to the City Code. There was no mention of officer safety issues in their Meet and Confer proposal and no mention to the City Manager or Police Administration. Mayor Mook asked why those concerns were not addressed during the Meet and Confer process and Dr. Isom responded he did not have an answer. Mayor Mook stated it is pointless to have a Meet and Confer process if EMPEA is not following it; if there is any kind of issue regarding safety, training or any other kind of issue that could not be handled at the Administrative level, it needs to come up in the Meet and Confer process or there is no reason to have such a process.

Councilor Selby asked if State Shared Revenue is in the budget and Mr. Nilles reported yes, there are state shared revenue estimates based on last year's population.

Vice Mayor Ramirez moved to approve Resolution R17-05-10 adopting the tentative budget thereby setting the maximum expenditure limit for FY 2017-18; seconded by Councilor Jones. Motion carried unanimously (7/0).

- I. Consideration and action to approve an Addendum to the March 7, 2016 Memorandum of Understanding (MOU) between City of El Mirage (COEM) and El Mirage Fire Fighters Association (EMFFA). (Human Resources)

Human Resources Director Sandy King explained the EMFFA Addendum is to modify the wage provision to provide a 3% permanent base increase this July rather than a lump-sum payment; the following year will be the lump-sum payment.

Vice Mayor Ramirez moved to approve an Addendum to the March 7, 2016 Memorandum of Understanding (MOU) between City of El Mirage (COEM) and El Mirage Fire Fighters Association (EMFFA); seconded by Councilor Jones. Motion carried unanimously (7/0).

Dr. Isom recognized Firefighter Darrell Tirpak for being present and representing the Fire Fighters.

- J. Consideration and action to approve a Memorandum of Understanding (MOU) between City of El Mirage (COEM) and El Mirage Police Employees Association (EMPEA). (Human Resources)

Human Resources Director Sandy King presented the new EMPEA MOU which will take effect on July 1, 2017.

Vice Mayor Ramirez moved to approve a Memorandum of Understanding (MOU) between City of El Mirage (COEM) and El

Mirage Police Employees Association (EMPEA); 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:

1. New Employees

Police Chief Terry McDonald introduced Dan Cargill who has joined the EMPD as a Code Enforcement Officer. He grew up in Santa Barbara, California, is the son of a CPA and attended San Diego State University where he received a Masters Degree in Criminal Justice Administration. He is married with a son and is a retired Sergeant. He has worked in Las Vegas for the enforcement agency of the Nevada Gaming Control, spent a short time in Panama, then returned to Surprise and worked for the DUSD in purchasing. On April 17th he started with El Mirage Code Enforcement and Chief McDonald believes he will be well received by the citizens. Mr. Cargill stated he is excited to be part of the City.

Fire Chief Jim Wise introduced Andrew Shelley who has joined the EMFD as a Firefighter/Paramedic. He was born in Phoenix and grew up in Buckeye and comes from Williamson Valley Fire District with firefighter/paramedic experience. Firefighter Shelley stated he has wanted to be a firefighter since he was six years old and since Williamson Valley is a great distance from where he works right now he is glad to be close to home near his 3 year old daughter Sophia. One thing he has noticed is the people in this community care and it is his goal to support and care for them. He stated he does not have a lot of history but hopes it begins and ends with the City of El Mirage.

Assistant Public Works Director Nick Russo introduced Kevin Voigt who joined Public Works as a Utilities Mechanic in April. He has 25 years of experience in utilities from the City of Phoenix and has been a resident of the West Valley since 1968. He currently holds an ADEQ Wastewater Grade I certificate in treatment and is working toward achieving an ADEQ Water Distribution Grade I certification. He has been married 25 years and has three sons. Mr. Voight told Council he has a lot of industrial experience in the water systems and looks forward to working with the City and helping to conserve water in the future.

Court Services Director Rod Wettlin introduced Mark Teran who joined the Court as a Judicial Assistant/Court Interpreter. He is getting certified through ALC and will represent the City well. Mr. Teran reported he has his Bachelors's Degree from ASU in Criminal Justice and Criminology. He started with the Maricopa County Justice Courts and went on to the Mesa Municipal Court. He relocated to the West Valley a few weeks ago and stated it has been a pleasure to work with the Court and he looks forward to being an asset to the community.

2. Police Explorers Report

Police Sergeant Chris Culp presented PowerPoint photos of the El Mirage Explorer Program participants at the 2017 North Los Angeles County Explorer Competition held between March 31st and April 2nd, 2017 that included six members of the El Mirage Police Explorers Post 2780. El Mirage Explorers participated in the Family Disturbance, Tactical Emergency Medical Support, Active Shooters, High Risk Stop, Hogan's Alley, High Risk Search Warrant, Crime Scene Investigation, 3-Mile Run, Mud Run and Rock Climbing categories. This competition was dedicated to Los Angeles Sheriff Steve Owen who was killed in the line of duty on October 5, 2016 by a burglar suspect who was caught. El Mirage Explorers placed in High Risk Search Warrant and Crime Scene Investigation which shows they know how to apprehend a suspect and investigate all evidence in a case. The Explorers have been active for three years and their commitment proves the Explorer Program is successful to develop future leaders. The continued support from staff and sponsors is greatly appreciated to keep this program going. Explorer Haleigh Wheat reported that on May 1, 2017, Chief McDonald, Officer Manos, Officer McLane, Sgt. Culp and the El Mirage Explorers represented the City by attending the Arizona Peace Officers' Memorial Service at the State Capital. This memorial represents fallen officers from the prior year and is attended by fallen officer's families, law enforcement agencies and Explorer Posts.

Sgt. Culp further reported that the Fourth Annual Police Academy will be held the first two weeks of June and will be the biggest class yet with Peoria, Glendale, Wickenburg, Avondale, Tolleson, Surprise, MCSO, and El Mirage Explorers participating. The growth of the agency will help develop, network and provide training to departments. During the academy they will learn report writing, various patrol procedures, first aid and CPR. The goals and objectives are to further education, increase participation, and enhance the Explorer's preparation for their future roles as community leaders and police officers.

And Sgt. Culp announced that Explorer Michael Rodriguez has been accepted to attend the Arizona Leadership, Education and Development Academy which is hosted by the Arizona Chapter of the FBI National Academy Associates. He has been in the program since April of 2015 and volunteered at most City events. This will be a great opportunity as he represents the El Mirage Police Department from June 5th to June 9th at Northern Arizona University in Flagstaff.

Mayor Mook says it is great to have larger cities coming to El Mirage who is hosting this year's academy and she commended Sgt. Culp and the other officers for their support of the El Mirage Explorers.

3. Victim Advocate Program Award

Assistant Police Chief Laura Liuzzo presented an award for Iva Rody for her exceptional support of the mental health training program. Ms. Rody worked with other agencies to provide their own mental health training program with

implementation of curriculum, identifying trainers, locating funding sources and securing the buy-in of several West Valley Police Chiefs. Two 40-hour training conferences have already been successfully completed with over 65 participants from nine different agencies, including the FBI. Ms. Rody was honored by her committee peers with a plaque recognizing her hard work. Ms. Rody stated the exciting thing about the plaque and the recognition she received was that it was totally unexpected. A majority of the committee members are sworn officers who serve in much higher ranks than she could ever imagine. She reported this project was done with no money that took eight to nine months to organize. They brought a training recommendation from national and international police and mental health organizations who are recommending this type of training. The project is well on the way to meeting the compliance recommendation of 20-30% of the officers having the 40-hour training and hope to achieve 100% within the next two years. Mayor Mook stated this is just another example of fantastic effort being given by our employees, supervisors and others working hard to do a good job for the City and sharing with other cities. El Mirage is becoming known for having expertise in many areas and she stated she is proud of all involved.

4. General Discussion

Dr. Isom gave Police Chief Terry McDonald the opportunity to speak regarding recent EMPEA information involving criticism of the department related to adequate training and officer safety. Chief McDonald reported that the EMPD has been in compliance in meeting the required annual training standards as set forth by the Arizona Peace Officer's Standards and Training Board (AZPOST) for the past several years. Executive Staff strive to not only meet the required standards but exceed AZPOST standards. Advanced AZPOST continuing education training classes have been implemented and are currently in progress or planned for the current calendar year. Chief McDonald then explained rifle re-certification classes. The department will have its own MILO judgmental shooting system for us by officers and Shooter's World shooting range memberships are provided by the EMPD. Chief McDonald feels it is an 'honor' to be the Police Chief for the City of El Mirage and he has a highly talented and committed Executive Staff who work very hard to provide superior police services to the community. It is their personal initiative and performance that results in the many successes they achieve every day.

Mayor Mook stated she was upset with the survey because she believed it was misleading and inaccurate with the sole intent of making the department look bad when the department was in compliance with AZPOST annual training standards and she thanked Chief McDonald for his explanation.

Councilor Shapera stated he believed this item should have been on the agenda.

Vice Mayor Ramirez thanked Chief McDonald for the information and for being in El Mirage.

Councilor Jones thanked Chief McDonald for all he does.

Councilor Shelby thanked Chief McDonald very much.

Dr Isom summarized by thanking the Council for their time and Chief McDonald for his presentation. He stated the Police Department and staff are phenomenal and he is very proud of them. He asked Chief McDonald why he had not heard about the training concerns before and was informed Chief had tried to address in a previous administration but nothing was conveyed through the chain of command. Dr. Isom stated safety is an obvious concern and the City will continue to identify and implement training opportunities though concerns should be processed through supervisors and up the chain of command rather than to Council first in the future.

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 is very proud of the Explorers Group and gave a round of applause – he added that Sgt. Culp is doing an outstanding job.

Councilor Delgado reported on his attendance at CDAC and stated the \$200,000 for the fire engine is on track but the “A” Street project is derailed for now. The City should also get the same amount of funding for the following year.

Vice Mayor Ramirez thanked Public Works and the City Manager for the “Share the Ride With Horses” signs now posted on Peoria Avenue.

IX. EXECUTIVE SESSION

E1. Discussion and consultation for legal advice with the City Attorney, pursuant to A.R.S. § 38-431.03A.3 and 7 regarding disposition of real property. (Administration)

Vice Mayor Ramirez moved to convene into Executive Session for legal advice regarding disposition of real property at 9:16 pm; seconded by Councilor Palladino. Motion carried unanimously (7/0).

Vice Mayor Ramirez moved to adjourn the Executive Session and reconvene into Regular Session at 9:29 pm; seconded by Councilor Delgado. Motion carried unanimously (7/0).

X. REGULAR SESSION (RESUMED)

K. Consideration and action regarding Track K, Parcel #501-45-369. (Development & Community Services)

Vice Mayor Ramirez moved to not accept Track K, Parcel #501-45-369; seconded by Councilor Delgado. Motion carried unanimously (7/0).

XI. ADJOURNMENT

The meeting was adjourned at 9:30 pm.



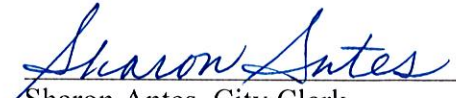
Lana Mook, Mayor

Attest:



Sharon Antes, City Clerk

I hereby certify the aforementioned minutes are a true and accurate record of the Regular El Mirage City Council Meeting held Tuesday, May 16, 2017 and a quorum was present.



Sharon Antes, City Clerk

Dysart Ranchettes History

1. July 13, 2016 Council approved the appointment of VM Ramirez and Councilor Jones to a Council subcommittee “for the purpose of working with staff to review the Dysart Ranchettes irrigation system.”
2. As staff, I was asked to research records and tonight give you a brief history of that research.
3. The subcommittee formation was prompted by a resident who brought forward a concern over responsibility of repair to some of the irrigation ditches, which in turn, led to the question of ownership of the irrigation system.
4. From 1971 to 1988 the water system (both potable and irrigation) was owned and operated by a private water company.
5. Prior to 1985, this company charged owners \$15.00/hour w 2/hr. minimum for ditch irrigation; in September of 1985 they received permission from the ACC to charge \$24.00/hour w/ a 2 hour minimum. In 1987 they requested and were denied a rate increase to \$29/hour w/ a 2 hour minimum. The denial was based on complaints received from owners and the discovery that the well required nitrate mitigation to continue providing potable water. In early 1988 the well broke down and potable water (but not irrigation) was provided by the Dysart School District until a solution could be found.
6. Records indicate there were discussions in the mid-1980s between the water company and the City relative to the City taking over the system but there was no formal agreement produced.
7. This prompted legal action by the water company in August of 1988 citing the City had agreed to pay \$100,000 for the system but now breached the contract.
8. Two months later in October of 1988, a settlement agreement was signed between the water company and the City to purchase an inoperable well for \$200,000 in order to dismiss a \$5+M lawsuit.
9. The agreement clearly spells out that the City purchased not just the well but the entire system including all the ditches, pumps, pipes, bolts, nuts, etc.
10. The City began providing potable water to residents in November 1988, but did not begin irrigation water until April 1989. Also in April, 1989 there were assessments levied to the Ranchettes’ owners by the City to pay for the system. Of note, is that the City charged \$15.00/hour w/ 2 hour minimum in 1989, increased the rate to \$15.75/hour w 2/hour minimum in 2000 and in 2009 the rate remained at \$15.75/hour but only required a 1/hour minimum. From 2009, the rate has incrementally increased to today’s rate of \$20.91/hour which was established in 2013.