



"The mission of the City of Safford is to make Safford  
a great place to live, work, and visit"

**CITY OF SAFFORD - SPECIAL COUNCIL MEETING MINUTES  
MONDAY, MAY 29, 2012 @ 6:00 PM  
PHELPS DODGE ROOM - LIBRARY**

**PRESENT:** Wyn "Chris" Gibbs, Mayor; Council Member's Ken Malloque, Mary Bingham, Jacque Attaway, Gene Seale, and Arnold A. Lopez.

**ABSENT:** Jason Kouts, Vice Mayor;

(Mayor Gibbs, Ken Malloque, Jim Howes, and Richard Ortega officially took their seat at this meeting- **elected March 13, 2012 Primary Election**).

**STAFF PRESENT:** David Kincaid, City Manager; Dennis Whisman, Police Captain; Christine Fisher, Personnel Director; Don Knight, Director Management & Budget; Ann Waite, Finance Director; Jan Elliott, Library Director; Eric Buckley, Utilities Director; Marion Gauna, Lead Staff Accountant; Jenny Howard, Special Projects Manager; Reed Larson, Engineer; Gale Hedges, Water Division Manager; and Georgia Luster, City Clerk. Sam Napier, IT Lead Specialist, and Dale Clark, IT Support Specialist, assisted with the audio/video recording of the meeting.

**STAFF ABSENT:** Randy Petty, City Engineer; John Griffin, Police Chief; Sandra Findley, Executive Secretary.

**OTHERS PRESENT:** Steve McGaughey, Kenny McKinney, Mary Jo Howes, William Wilson, Dalton Overstreet, and Kevin Johnson.

1. **WELCOME AND CALL TO ORDER:** Mayor Gibbs called the meeting to order at 6:02:31 p.m.
2. **ROLL CALL:** A quorum of the Council was present (7).
3. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Mayor Gibbs led the Pledge of Allegiance to the Flag.
4. **OPENING PRAYER:** Kevin Johnson offered the opening prayer.
5. **RECEPTION TO SWEAR IN NEW MAYOR AND COUNCIL:** Recognition and swearing in of the new Council Members. Recognize outgoing Council Members, Jacque Attaway and Jason Kouts.

Mayor Gibbs called the new council members, Kenneth Malloque, Richard Ortega and James Howes to be sworn in to their council seat positions.

Georgia Luster, City Clerk, prescribed the Oath of Office and presented a Certificate of Election to Wyn "Chris" Gibbs, Mayor; and Council Members, Kenneth Malloque, Richard Ortega and James Howes. The Mayor and Council took their seats at this time.

Mayor Gibbs expressed his appreciation to Councilmember Attaway for serving on the Council. He provided her with a clock indicating her years of service and a photo of the council group she served with.

Mrs. Attaway expressed her appreciation to the citizens of the City of Safford, the staff, and to her working group of the Council.

A short reception was called at this time (6:09:41 p.m.) honoring the incoming and the outgoing Council. Punch and cookies were served.

Mayor Gibbs reconvened the meeting at 6:18:52 p.m. Mayor and Council: Wyn "Chris" Gibbs, Mayor, Councilmembers, Kenneth Malloque, Arnold Lopez, Mary Bingham, Gene Seale, Richard Ortega and Jim Howes.

6. **SELECT VICE MAYOR:** Pursuant to Section 2.16.020 of the City of Safford Municipal Code, the Mayor and Council Members shall select a vice mayor from among its members who shall serve at the pleasure of the Council.

Mary Bingham was selected to serve as vice-mayor (4 votes).

7. **COMMITTEES AND BOARDS:** The Mayor and Council Members may appoint council members to various community committees and boards.

Mayor Gibbs provided a proposed list of additional Council duties to boards and commissions. The following members were appointed to the listed boards/committees.

Airport	Ken Malloque
PAC Committee for the development of Safford Regional Airport Master Plan Update	Ken Malloque
Boys and Girls Club	Arnold Lopez
Chamber of Commerce	Chris Gibbs
Development Review	Jim Howes
Downtown Association	Arnold Lopez
Fire Department/Firemen's Pension Board	Chris Gibbs
Graham County Community Foundation	TBD

<b>League of Arizona Cities and Towns -</b>	
Executive Committee	Chris Gibbs
Resolutions Committee	Gene Seale
Library Board	Gene Seale
Loss Control and Safety	Jim Howes
Mt. Graham Safe House	Mary Bingham
Pride of Safford	Mary Bingham
SEAGO	Richard
Ortega	
Transportation Issues Group	Chris Gibbs

The Council was in agreement to open the lines of communication with other entities within the City such as the Hospital, Schools, FMI, EAC, and etc.

It was moved by Councilman Ortega, seconded by Councilman Malloque, and carried unanimously to accept the additional duties as presented. **MOTION ADOPTED**

8. **SETTLEMENT AGREEMENT:** Consider adopting Resolution Number 12-017, a resolution of the City of Safford, Arizona authorizing the execution and delivery of a settlement agreement (Application No. 2008-173) (“Settlement Agreement”) among the United States of America, the Gila River Indian Community, the San Carlos Apache Tribe and the City of Safford.

City Manager Kincaid stated that Councilman Lopez and Councilman Ortega have asked to table this item until the water attorney can explain what this agreement means. Although, he stated that Eric Buckley understands the agreement and can explain what it means if the council desires. He asked Eric Buckley to address the council.

Eric Buckley, Utilities Director, explained that the agreement is part of the GRIC Settlement of 2005. He added that the United States and the Gila River Indian Community agreed that the landowners in the “Upper Valley” could transfer water rights and basically “true up” where water is now being used. He noted that the original settlement was initiated in 1935. However, farm lands have developed and rivers have moved and because of this landowners were given the opportunity to transfer to create water rights from properties that were no longer useful to properties that were farmable and useful to use these water rights. As skeptical as staff were about the United States Government and GRIC being sincere in this offer, it was decided to test the process. This certain piece of city property has deeded water rights and was offered to transfer the water rights to another piece of property that the city owns. However, the Government objected. He pointed out that there were 419 applications submitted and the government objected to just about all of them. He stated they not only objected but filed a counter claim, as they did with all land owners. This agreement is actually a dismissal to this case and would basically be a wash. At the time we felt like this was the right thing to do and now we know that is was the right thing to do instead of putting some of our rights in jeopardy.

