



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

**CITY OF SAFFORD
REGULAR COUNCIL MEETING MINUTES
MONDAY, June 10, 2013 @ 6:00 PM
Safford Library Program Room, 808 S. 7th Avenue, Safford, Arizona**

PRESENT: Wyn “Chris” Gibbs, Mayor; Mary Bingham, Vice Mayor; Council Member’s Gene Seale, Arnold A. Lopez, Kenneth Malloque, and James D. Howes.

ABSENT: Richard Ortega, Councilman.

STAFF PRESENT: David Kincaid, City Manager; Sandra Findley, Executive Secretary; John Griffin, Police Chief; Ann Waite, Finance Director; Eric Buckley, Utilities Director; Leanne McElroy, Library Director; Jenny Howard, Public Works Director; and Georgia Luster, City Clerk. Sam Napier, IT Specialist, assisted with the audio/video recording of the meeting.

OTHERS PRESENT: Royce Hunt, Marie Freestone, Tisha Clark, Erik Swanson, James Bryce, Kim Larkey, Aimee Staten, Glen Orr, Steve McGaughey, Vance Henrie, and others who did not sign in. Jon Johnson, Eastern Arizona Courier and Kelly Van Shaar, Van Shaar Productions, video recorded the meeting.

- 1. WELCOME AND CALL TO ORDER:** Mayor Gibbs called the meeting to order at 6:01:01 p.m.
- 2. ROLL CALL:** A quorum of the Council was present (6-1).
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG:** Mayor Gibbs led the Pledge of Allegiance to the Flag.
- 4. OPENING PRAYER:** Dr. Phillip Tutor offered the opening prayer.
- 5. CITIZEN COMMENTS ON AGENDA ITEMS:** Aimee Staten addressed the Council during the discussion of the Boys & Girls Club.
- 6. CONSENT ITEMS:** The Mayor and City Council may wish to consider approving Items 1 through 11 as Consent Agenda Items.

1. May 13, 2013 Regular Council Minutes, and May 20, 2013 Work Session Minutes.
2. Police Report
3. Building Inspection Report
4. Public Works Report
5. Business License Report
6. Library Report
7. Utilities Consumption Report
8. Summary of Projects Planning and Grants Administration
9. Prosecution Report
10. Airport Report for May (Report was not available)
11. Expense Report over \$5,000

It was moved by Vice Mayor Bingham, seconded by Councilman Malloque, and carried unanimously to approve Items 1 through 11 as Consent Agenda Items as published.

MOTION ADOPTED

7. **PURCHASING CARD REPORT:** Consider approving the Purchasing Card Report ending March 20, 2013. It was moved by Councilman Malloque, seconded by Councilman Howes, and carried unanimously to approve the Purchasing Card Report ending March 20, 2013 as published.

MOTION ADOPTED

8. **RESOLUTION NUMBER 13-017:** Consider approving and adopting Resolution Number 13-017, a Resolution of the City of Safford adopting Ordinance Number 13-006, amending Title 13, Public Services, Chapter 13.20, Municipal Water System, adding Section 13.20.070 - Water Conservation Policy, to the City of Safford Municipal Code, and declaring such amendment to be a public record.

City Manager Kincaid explained this item addresses the Water Conservation Policy. He stated another copy of the resolution was distributed with the comments of the Interim City Attorney and Eric Buckley. The ordinance is declared an emergency and becomes effective immediately.

The Council reviewed the revisions. The following revisions were made:

Pg. 4: Section 13.20.073 - First sentence: appropriate stage alert **demand stage alert**

Pg. 4: Section 13.20.074 - Commercial . . . restaurants, **agricultural**, and office buildings

Pg 5: Section 13.20.075 - First Sentence: rescind the ~~Water Stage Alert~~ **Demand Stage Alert**

Pg. 6: Section 13.20.076 - (4) Stage 4 Water Emergency-second sentence: shall be determined by the City **Council**

Pg. 7: (2) Stage 2 Water Watch - (a): wading pools or ornamental fountains **not to exceed 5,500 gallons**

Pg. 8: (4) Stage 4 Water Emergency - last sentence: ~~impose a moratorium on any~~ **suspend**

Pg. 9: (d) last sentence: irrigation season, **April 1st through September 30th**

It was moved by Councilman Howes, seconded by Vice Mayor Bingham, and carried unanimously to approve and adopt Resolution Number 13-017, a Resolution of the City of Safford adopting Ordinance Number 13-006, amending Title 13, Public Services, Chapter 13.20, Municipal Water System, adding Section 13.20.070 - Water Conservation Policy, to the City of Safford Municipal Code, and declaring such amendment to be a public record, as amended.

MOTION

ADOPTED

9. **ORDINANCE NUMBER 13-006:** Consider approving and adopting Ordinance Number 13-006, an Ordinance of the City of Safford, Graham County, Arizona, amending Title 13, Public Services, Chapter 13.20, Municipal Water System, adding Section 13.20.070 Water Conservation Policy to the City of Safford Municipal Code as a public record by reference, adopting regulations and restrictions on the delivery and consumption of water use, and declaring an emergency with amendments. It was moved by Councilman Howes, seconded by Councilman Malloque, and carried unanimously to approve and adopt Ordinance Number 13-006, as amended, adopting Water Conservation Policy, an Ordinance of the City of Safford, Graham County, Arizona, amending Title 13, Public Services, Chapter 13.20, Municipal Water System, adding Section 13.20.070 Water Conservation Policy to the City of Safford Municipal Code as a public record by reference, adopting regulations and restrictions on the delivery and consumption of water use, and declaring an emergency. **MOTION**

ADOPTED

10. Consider authorizing the transfer of Fiscal Year 2013 budget in the amount of \$8,000 from the General Fund Magistrate Court division's capital budget to the Magistrate Judicial Collection Enhancement Fund's (JCEP) capital budget. It was moved by Councilman Malloque, seconded by Councilman Lopez and carried unanimously to authorize the transfer of Fiscal Year 2013 budget in the amount of \$8,000 from the General Fund Magistrate Court **division's** capital budget to the Magistrate Judicial Collection Enhancement **Fund's** (JCEF) capital budget. **MOTION**

ADOPTED

11. Consider authorizing the transfer of \$14,600 from the Fiscal Year 2013 contingency budget to the City Council's other expense line item budget for the City's Downtown Façade Project. It was moved by Councilman Malloque, seconded by Councilman Lopez and carried unanimously authorize the transfer of \$14,600 from the Fiscal Year 2013 contingency budget to the City Council's other expense line item budget for the City's Downtown Façade Project. **MOTION ADOPTED**

12. Consider award of the "Mount Graham Filter Plant Demolition" Project. It was moved by Councilman Howes, seconded by Councilman Lopez, and carried unanimously to award the "Mount Graham Filter Plant Demolition" Project to Waterfall Construction in the amount of \$30,873.81.
MOTION ADOPTED

13. Consider approving and adopting Resolution Number 13-018, a resolution of the City of Safford authorizing the City Manager to secure a grant for state funds from the State of Arizona, Department of Transportation, for the purpose of aiding in financing a project for design of improvements at the Safford Regional Airport (AIP Project Number 3-04-0031-022-2012; Grant Number E3F3M). It was moved by Councilman Malloque, seconded by Vice Mayor Bingham and carried unanimously to authorize the City Manager to secure a grant for state funds from the State of Arizona, Department of Transportation, for the purpose of aiding in financing a project for design of improvements at the Safford Regional Airport (AIP Project Number 3-04-0031-022-2012; Grant Number E3F3M). **MOTION ADOPTED**

14. Consider approving and adopting Resolution Number 13-019, a resolution re-appointing D. Corey Sanders, City Magistrate, for an additional two years, July 1, 2013 - June 30, 2015. It was moved by Councilman Malloque, seconded by Vice Mayor Bingham, and carried unanimously to approve and adopt Resolution Number 13-019, a resolution re-appointing D. Corey Sanders, City Magistrate, for an additional two years, July 1, 2013 - June 30, 2015. **MOTION ADOPTED**

15. Consider approving and adopting Resolution Number 13-020, a resolution re-appointing Matt N. Clifford, P.C. as the City Prosecutor for the City of Safford for one additional year, effective July 1, 2013 through June 30, 2014. It was moved by Councilman Malloque, seconded by Councilman Lopez, and carried unanimously to approve and adopt Resolution Number 13-020, a resolution re-appointing Matt N. Clifford, P.C. as the City Prosecutor for the City of Safford for one additional year, effective July 1, 2013 through June 30, 2014. **MOTION ADOPTED**

16. Consider approving and adopting Resolution Number 13-021, a resolution of the City of Safford approving Intergovernmental Agreements with Graham County for Animal Shelter, Dispatching, and Information Technologies Services. It was moved by Councilman Malloque, seconded by Vice Mayor Bingham, and carried unanimously approve and adopt Resolution Number 13-021, a resolution of the City of Safford approving Intergovernmental Agreements with Graham County for Animal Shelter, Dispatching, and Information Technologies Services. **MOTION ADOPTED**

17. Consider approving Agreement for Contracted Services between the Boys and Girls Club of the Gila Valley and the City of Safford, effective July 1, 2013 through June 30, 2014. City Manager Kincaid stated Aimee Staten, the Director of the Club, is here to address the Council.

Aimee Staten said she became the Director of the Boys and Girls Club in October 2012. At that time, the Club was getting ready to close its doors and had 17 active members. She provided a report explaining expenditures, progress, activities and accomplishments of the Club. Membership is now at capacity. Club members are very busy with the many different programs and activities. She explained the Club was awarded a nonprofit status by the IRS, but was notified that the assigned tax ID number was incorrect and the Club's actual ID number showed that it was in revoked status. Currently the Club is in the process of renewing its nonprofit status. She explained the membership fee during the summer is \$75/month and \$35/month during the school year . The Club is striving to be self- sufficient.

Mayor Gibbs commented that Rhodes Enterprise was called to repair the refrigeration unit at the Club. He would like to discuss the legality of the language in commercial landlord contractual agreements. He believes it is appropriate for the landlord to repair the unit even though the agreement states it's the lessee's responsibility.

Vice Mayor Bingham asked if the language in the agreement of the Chamber states who's responsible for maintenance of the building. She believes the language should be consistent with all lease agreements.

Councilman Howes verified the City provides funds to the Chamber through a bed tax enacted by Council and also provides some funding to the Safe House. He believes the Council should support the Boys and Girls Club.

Councilman Lopez commented that if we do for one, we do for all.

City Manager Kincaid stated the City is not staffed to maintain and repair all city owned buildings. Per the agreement, the Club is responsible for maintenance and repairs of the building and not the City. He noted the Community Foundation funds the Safe House

\$18,000. He explained the City makes a donation to the as directed by a previous Council. He stated he could provide a comparison of maintenance language to the Council at the June 24th work session.

James Bryce stated the Club is committed to taking care of the building. They do all the minor repairs and maintenance. Although it is the catastrophic repairs that's a struggle for the Club. He asked the Council to consider budgeting a certain amount to the Community Foundation and earmarking those funds for the Boys and Girls Club. He thanked the Council for contributing the building to the Club. He stated that he was of the impression that the City was going to contribute a small cash donation annually to the Club. Since the City does not contribute annually the Club's budget was substantially reduced.

Councilman Seale clarified the agreement expires June 30th and the agreement may be brought back to the Council for discussion at the next work session.

It was moved by Councilman Malloque, seconded by Councilman Lopez, and carried unanimously to **TABLE** action until the next regular work session, June 24, 2013. **TABLED**

18. Consider extending Agreement for Contracted Services between the City of Safford and Graham County Chamber of Commerce effective July 1, 2013 through June 30, 2014. City Manager Kincaid explained there are no changes to the agreement. It is the same as the current agreement. The City provides 50% of the 5% transient occupancy tax known as the Bed Tax.

It was moved by Councilman Howes, seconded by Councilman Lopez, and carried unanimously to extend Agreement for Contracted Services between the City of Safford and Graham County Chamber of Commerce effective July 1, 2013 through June 30, 2014. **MOTION ADOPTED**

19. Consider approving and adopting Resolution Number 13-022, a Resolution of the City of Safford authorizing a safe deposit box and designating signers. It was moved by Councilman Howes, seconded by Councilman Lopez, and carried unanimously to approve and adopt Resolution Number 13-022, a Resolution of the City of Safford authorizing a safe deposit box and designating signers. **MOTION ADOPTED**

20. Consider approving and adopting Resolution Number 13-023, a Resolution of the City of Safford authorizing investment monies in the Local Government Investment Pool (LGIP). It was moved by Councilman Malloque, seconded by Vice Mayor Bingham, and carried unanimously to approve and adopt Resolution Number 13-023, a Resolution of the City of Safford authorizing investment monies in the Local Government

Investment Pool (LGIP). **MOTION ADOPTED**

21. Consider approving and adopting Resolution Number 13-024, a Resolution of the City of Safford approving purchases from the Mayor and members of the Council. It was moved by Councilman Malloque, seconded by Vice Mayor Bingham, and carried unanimously to approve and adopt Resolution Number 13-024, a Resolution of the City of Safford approving purchases from the Mayor and members of the Council.

MOTION ADOPTED

22. Consider approving and adopting Resolution Number 13-025, a Resolution of the City of Safford designating depository account and persons authorized to sign related documents at National Bank, Safford, Arizona. It was moved by Councilman Howes, seconded by Councilman Malloque, and carried unanimously to approve and adopt Resolution Number 13-025, a Resolution of the City of Safford designating depository account and persons authorized to sign related documents at National Bank, Safford, Arizona.

MOTION ADOPTED

23. Consider extending Roadway Striping and Fogging Agreement between the City of Safford and Town of Thatcher effective July 1, 2013 through June 30, 2014. City Manager Kincaid explained rates in the agreement are set according to FEMA rates. The terms of the agreement are on a “breakeven” basis and not profit based. He cautioned the Council to not consider profit motive when considering intergovernmental agreements because the City may be on the other side. Seventy-five (\$75,000) is anticipated this next Fiscal Year (12 lane miles).

It was moved by Councilman Malloque, seconded by Vice Mayor Bingham, and carried unanimously to extend a Roadway Striping and Fogging Agreement between the City of Safford and Town of Thatcher effective July 1, 2013 through June 30, 2014.

MOTION ADOPTED

24. **MEETINGS/ACTIVITIES HELD BY COUNCIL OR CITY STAFF:** NONE

25. **COUNCIL OR STAFF REQUESTS FOR AGENDA ITEMS:** City Manager Kincaid reminded the Council that the Utility Budget for FY 2013/2014 and the proposed Water Rate Study will be presented to the Council at the June 17th meeting. The consultant “Black & Veatch” will be present to provide the proposed water rate design.

Scheduled a Special Work Session on June 19, 2013 at 6:00 p.m. to review the propose water rate design.

26. **CITIZEN COMMENTS ON NON-AGENDA ITEMS:** NONE

27. Enter executive session pursuant to Arizona Revised Statutes §38-431.03(A)(3) for legal advice regarding the Golf Course.

It was moved by Councilman Malloque, seconded by Vice Mayor Bingham, and carried unanimously to enter executive session for legal advice regarding the golf course at 7:31:14 p.m.

MOTION ADOPTED

28. **ADJOURN:** The Council returned to Regular Session. No action was taken. It was moved by Councilman Malloque, seconded by Vice Mayor Bingham and carried unanimously to adjourn the work session and enter a Special Council Meeting at 8:00:46 p.m. **MOTION ADOPTED**

APPROVED:

Wyn "Chris" Gibbs, Mayor
City of Safford

ATTEST:

Georgia Luster, MMC
City Clerk

CERTIFICATION

STATE OF ARIZONA)
) ss
County of Graham)

I hereby certify that the foregoing minutes are a true and correct copy of the Regular Council Meeting of the Safford City Council, Graham County, Arizona held Monday, June 10, 2013, and approved at a Regular Council Meeting on Monday, July 8, 2013. I further certify the meeting was duly called, held and that a quorum was present.

Dated: July 8, 2013

Georgia Luster, MMC
City Clerk