



**“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, January 13, 2014 @ 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, James D. Howes, and Richard Ortega

STAFF PRESENT: Eric Buckley, Interim City Manager; Sandra Findley, Executive Assistant; Ann Waite, Chief Financial Officer; Dennis Whisman, Police Chief; Don Knight, Director FlexNet Meter Renewal Project; Leanne McElroy, Library Director; Dustin Welker, Planning & Community Development Director; Christine Fisher; Human Resources Director; Kim Larkey; Georgia Luster, City Clerk and Dale Clark, who assisted with the audio/video recording of the meeting.

OTHERS PRESENT: Roland Knox; Jon Johnson, Eastern Arizona Courier and others who did not sign in. Kelly Van Shaar, videotaped the meeting.

- 1. WELCOME AND CALL TO ORDER:** Mayor Gibbs called the meeting to order at 6:00 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:** Dustin Welker offered the Opening Prayer.
- 5. PUBLIC HEARING:** Mayor Gibbs opened the Public Hearing at 6:03 p.m. for the purpose of hearing public comments considering a rezone, Case Z-02-13 Bingham Lane Rezone Request, a rezone from an R1-6 to Conventional/MH. He asked Dustin Welker to present the rezone case.

Dustin Welker presented the proposed rezone case which he explained is a rezone from R1-6 (Single Family Residential) to C-MH (Conventional and

Manufactured Home). He explained the current zoning, R1-6 (Single Family Residential), allows for conventional built homes on 6,000 sq. ft. lots. He explained the zoning the applicant has applied for is for a rezone to C-MH (Conventional/Manufactured Homes) which allows intermingling of conventional and manufactured homes. Setbacks and minimum size requirements remain the same for both zones (manufactured homes requirement is also a minimum of 6,000 sq. ft.). He pointed out the four properties in the zone are located on Bingham Lane off Relation. The Bejarano family is the original applicant who owns an older home in the area (1306 S. Bingham Place) that they believe is beyond repair. They filed out an application for a rezone in order to place a manufactured home on the property. The other three families agree with the rezone of the properties. Mr. Welker noted that in 1998, the City Council issued a Use Permit to allow a manufactured home to be placed on the property on the northwest corner (995 W. 13th Street, Parcel #101-19-122). He explained Use Permits were removed from the Municipal Code during the zoning ordinance rewrite because the only legal way to allow non-permitted uses in a zone is through the rezone process. A neighborhood meeting was held for neighbors to discuss and express any questions or concerns within one hundred 50 feet of the property. One neighbor attended the meeting but had no specific concerns expressed. On December 9th the Development Review Committee met to discuss the case and support and concerns were both expressed. Some members felt that a new manufactured home would be an upgrade to the existing old home on the Bejarano property, but others felt like an enactment of the rezone would set a precedent for the neighborhood that the neighborhood may not be in favor of. The General Plan supports the rezone of the properties. Finally, the Planning and Zoning Commission unanimously made the recommendation to support the rezone with the conditions that manufactured homes meet current setback requirements and be ground set on permanent foundations.

The second reading of the ordinance will be presented at the January 27th special council meeting.

Public comments will be accepted at this time regarding the Public Hearing: There were no public comments regarding the rezone request.

Mayor Gibbs closed the Public Hearing and opened a Regular Council Meeting at 6:09:15 p.m.

6. CITIZEN COMMENTS ON AGENDA ITEMS: NONE

7. **CONSENT ITEMS:** The Mayor and City Council may wish to consider approving Items 1 through 11 as Consent Agenda Items.
1. December 16, 2013 Council 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 Reports for November & December
 11. Expense Report over \$5,000

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

MOTION ADOPTED

8. **PURCHASING CARD REPORT: It is recommended that the City Council approve the Purchasing Card Report through October 19, 2013.** It was moved by Councilman Malloque, seconded by Councilman Seale, and carried unanimously to approve the Purchasing Card Report through October 19, 2013 as presented. **MOTION ADOPTED**

9. **Recognize and sincerely thank Commissioner Gerald Hoopes for serving on the City of Safford, Planning & Zoning Commission since 2006** . Dustin Welker stated that Mr. Hoopes has moved from Safford and was unavailable to attend tonight. A plaque will be mailed to Mr. Hoopes expressing to him gratitude for his expertise and service he provided to the Planning and Zoning Commission. **INFORMATION**

10. **Request direction from the Council on seeking candidates to fill the position of the City of Safford, Planning & Zoning Commissioner Gerald Hoopes. Commissioner Hoopes's term was set to expire on June 30, 2014. It is recommended that the replacement for Commissioner Hoopes be appointed to finish his current term as well as a new term on July 1, 2014.**

Interim City Manager Buckley referred to the Municipal Code which states, "The members of the Commission shall be appointed by the mayor subject to approval of the common council of the city." He explained that staff feels it would be more appropriate for the Mayor and Council to find qualified candidates to

apply for the position rather than the Planning and Zoning Commission making recommendation to Council.

Dustin Welker stated the Planning and Zoning Commission is a very important position for our community. "The more individuals who apply for the position, the better." He will begin seeking candidates (advertising) to serve on the city of Safford Planning & Zoning Commission, closing on February 15th. A recommendation will be presented to the Council at the January 27th work session.

11. **First Reading of Ordinance Number 14-001, regarding a rezone request from R1-6 (Single Family Residential) to C-MH (Conventional and Manufactured Home) on Graham County Parcel #101-19-120, #101-19-121, #101-19,122, and #101-19-123). A second reading of Ordinance Number 14-001 will be conducted Monday, January 27, 2014 to consider approving and adopting Planning and Zoning Commission's recommendation to approve the rezone.**

Mayor Gibbs read the Title of Ordinance Number 14-001.

12. **First reading of Ordinance Number 14-002, an ordinance of the City of Safford amending Title 13 of the Municipal Code by modifying Chapter 13.20 Municipal Water System; Section 13.20.020, Installation Charges.**

Interim City Manager Buckley explained the modification to the Code requires cross-connection control valves to be installed at the property line, tested by a certified tester and shall be paid by the person making application for such service.

Mayor Gibbs read the Title of Ordinance Number 14-002.

13. **The Mayor and City Council may wish to approve and adopt Resolution Number 14-001, a Resolution authorizing the city manager to secure a grant (Grant Number E4F2R) for state funds from the State of Arizona, Department of Transportation, for the purpose of aiding in financing a project for construction of improvements at the Safford Regional Airport.**

Interim City Manager Buckley explained the resolution authorizes the city manager to submit an application to secure a grant from the State of Arizona, Department of Transportation, for the purpose of aiding with financing airport construction improvements.

It was moved by Councilman Ortega, seconded by Vice Mayor Bingham, and carried unanimously to approve and adopt Resolution Number 14-001, a Resolution authorizing the city manager to secure a grant (Grant Number E4F2R)

for state funds from the State of Arizona, Department of Transportation, for the purpose of aiding in financing a project for construction of improvements at the Safford Regional Airport. **MOTION ADOPTED**

14. **The Mayor and City Council may wish to approve and adopt Resolution Number 14-002, a resolution authorizing the Mayor to enter and execute accessway lease agreement between the City of Safford and Allen Matthews providing use of property solely for purposes of ingress and egress of commercial sand and gravel equipment for an annual administrative fee of \$150.00 annually.** Interim City Manager Buckley explained the resolution authorizes the renewal of a lease between the City of Safford and Allen Matthews for ingress and egress to Mr. Matthews gravel pit.

It was moved by Councilman Ortega, seconded by Councilman Lopez, and carried unanimously to approve and adopt Resolution Number 14-002, a resolution authorizing the Mayor to enter and execute access way lease agreement between the City of Safford and Allen Matthews providing use of property solely for purposes of ingress and egress of commercial sand and gravel equipment for an annual administrative fee of \$150.00 annually.

MOTION ADOPTED

15. **The Mayor and City Council may wish to approve and adopt Resolution Number 14-003, a resolution authorizing the Mayor to enter and execute Grazing Lease Agreement for real property known as Robinson Ranch, between the City of Safford and Josephine Stevens, DBA Stevens Brothers Ranches.** Interim City Manager Buckley explained the resolution authorizes the renewal of a grazing lease between the City of Safford and Josephine Stevens, DBA Stevens Brothers Ranches.

It was moved by Councilman Lopez, seconded by Councilman Malloque, and carried unanimously to approve and adopt Resolution Number 14-003, a resolution authorizing the Mayor to enter and execute Grazing Lease Agreement for real property known as Robinson Ranch, between the City of Safford and Josephine Stevens, DBA Stevens Brothers Ranches.

MOTION ADOPTED

16. **The Mayor and Council may wish to approve and adopt Resolution Number 14-004, a resolution authorizing the Mayor to enter and execute Farm Lease Agreement for real property known as the Carrasco Farm between Layton Hay, LLC and the City of Safford.** Interim City Manager Buckley explained the resolution authorizes the renewal of a farm lease known as the "Carrasco

Farm” between the City of Safford and Layton Hay, LLC.

It was moved by Councilman Ortega, seconded by Councilman Lopez, and carried unanimously to approve and adopt Resolution Number 14-004, a resolution authorizing the Mayor to enter and execute Farm Lease Agreement for real property known as the Carrasco Farm between Layton Hay, LLC and the City of Safford. **MOTION ADOPTED**

17. **The Mayor and Council may wish to approve and adopt Resolution Number 14-005, a resolution of the Mayor and City Council, authorizing the Mayor to enter and execute Farm Lease Agreement for real property known as the Ferguson Farm between R.G. Howard Farms and the City of Safford.**

Interim City Manager Buckley explained the resolution authorizes the renewal of a farm lease known as the “Ferguson Farm” between the City of Safford and R.G. Howard Farms.

It was moved by Councilman Howes, seconded by Councilman Lopez, and carried unanimously to approve and adopt Resolution Number 14-005, a resolution of the Mayor and City Council, authorizing the Mayor to enter and execute Farm Lease Agreement for real property known as the “Ferguson Farm” between R.G. Howard Farms and the City of Safford.

MOTION ADOPTED

18. **The Mayor and City Council may wish to approve and adopt Resolution Number 14-006, a resolution of the Mayor and City Council, authorizing the Mayor to enter and execute Farm Lease Agreement for real property known as the Kempton Well Farm between Kenneth Claridge and the City of Safford.**

Interim City Manager Buckley explained the resolution authorizes the renewal of a farm lease known as the “Kempton Well Farm” between the City of Safford and Kenneth Claridge. He explained that the previous city manager, Mr. Kincaid, was working with Mr. Claridge to settle an encroachment issue and had decided that Mr. Claridge would not be allowed to bid. In the meantime, Mr. Buckley said that he met with Mr. Claridge and agreed to a solution to the encroachment concern. He stated that Mr. Claridge agreed to remedy the encroachment by removing a few rows of the field that will provide a wider access road for Layton Hay’s equipment.

It was moved by Councilman Howes, seconded by Vice Mayor Bingham, and carried unanimously to approve and adopt Resolution Number 14-006, a resolution of the Mayor and City Council, authorizing the Mayor to enter and execute Farm Lease Agreement for real property known as the Kempton Well

Farm between Kenneth Claridge and the City of Safford.

MOTION ADOPTED

19. The Mayor and City Council may wish to approve and adopt Resolution Number 14-007, a resolution of the City of Safford, authorizing the City of Safford to apply for Bureau of Reclamation WaterSmart grant funds to assist in the meter renewal program and committing the City to provide funding and/or in-kind contributions not to exceed \$150,000.00. Interim City Manager Buckley explained the resolution authorizes the City to apply for grant funds from Bureau of Reclamation to assist in the meter renewal program and committing the city to provide funding and/or in-kind contributions not to exceed \$150,000.00.

It was moved by Councilman Malloque, seconded by Councilman Howes, and carried unanimously to approve and adopt Resolution Number 14-007, a resolution of the City of Safford, authorizing the City of Safford to apply for Bureau of Reclamation WaterSmart grant funds to assist in the meter renewal program and committing the City to provide funding and/or in-kind contributions not to exceed \$150,000.00.

MOTION ADOPTED

20. The Mayor and City Council may wish to approve and adopt Resolution Number 14-008, a resolution of the City of Safford, authorizing the City of Safford to apply for Bureau of Reclamation WaterSmart grant funds to assist in the meter renewal program and committing the City to provide funding and/or in-kind contributions not to exceed \$500,000.00.

It was moved by Councilman Howes, seconded by Councilman Malloque, and carried unanimously to approve and adopt Resolution Number 14-008, a resolution of the City of Safford, authorizing the City of Safford to apply for Bureau of Reclamation WaterSmart grant funds to assist in the meter renewal program and committing the City to provide funding and/or in-kind contributions not to exceed \$500,000.00.

MOTION

ADOPTED

21. The Mayor and City Council may wish to consider authorizing the transfer of \$360,000 from the Fiscal Year 2014 Contingency budget to the Main Street Improvement Fund 's capital outlay line item budget. Interim City Manager Buckley reminded the Council that Randy Petty previously explained the need to transfer funds which will meet the revisions in the scope of the Main

Street Improvement Project.

Main Street Improvements new IGA December 2013:

\$1,025,552.00

Originally budgeted for FY14

699,690.00

Change in Project's Scope:

325,862.00

Add 10% change order capacity:

32,586.20

Adjustment to Original budget

358,448.20

Round Contingency Adjustment to: \$
360,000.00

It was moved by Councilman Howes, seconded by Councilman Malloque, and carried unanimously to authorize the transfer of \$360,000.00 from the Fiscal Year 2014 Contingency budget to the Main Street Improvement Fund's **capital outlay** line item budget.

MOTION ADOPTED

22. The Mayor and Council may wish to consider authorizing the transfer of \$110,000 from the Fiscal Year 2014 Contingency budget to the general Fund's Project Management Special Project division's capital outlay line item budget.

Interim City Manager Buckley explained the transfer is necessary to meet the revisions in the scope of the Path System Project.

Path System Phase VI new IGA November 2013: \$

489,848.00

Originally budgeted for FY14

391,000.00

Change in Project's Scope:

98,848.00

Add 10% change order capacity:

9,884.80

Adjustment to Original budget

108,732.80

Round Contingency Adjustment to: \$
110,000.00

It was moved by Councilman Malloque, seconded by Councilman Ortega, and carried unanimously to authorize the transfer of \$110,000.00 from the Fiscal Year 2014 Contingency budget to the general Fund's Project Management Special Project division's **capital outlay** line item budget.

MOTION ADOPTED

23. **The Mayor and City Council may wish to consider awarding the Construction of the Phase III Distribution Project using contingency funds or reject the project and re-bid as recommended by the engineer.** Interim City Manager Buckley stated staff is seeking Council direction regarding rejecting the bid and rebid, or to move forward with the project. The Phase III Distribution Construction Project was recently bid and two bids were received. Both bids exceed the budget by \$276,678.51. He stated contingency funds are available to cover the difference. He explained the Project includes new construction and upgrade of an electric line to accommodate the territorial exchange with Graham County Electric Coop. The Project route is located on Highway 191, and portions along 20th street beginning at 8th Avenue.

There was discussion regarding the recommendation by T & D Services to re-bid the project. Staff's recommendation is accept the low bid from Atkinson Power, not re-bid the project and to move forward with building the project because by re-bidding the project, bids may come in higher.

It was moved by Councilman Malloque, seconded by Councilman Howes, and carried unanimously to direct staff to reject current bids and to re-bid the Construction of the Phase III Distribution Project.

MOTION ADOPTED

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

25. **COUNCIL OR STAFF REQUESTS FOR AGENDA ITEMS:**

Vice Mayor Bingham: 1) Review City owned properties; 2) Water Restrictions-educate community (community feels restrictions are not being addressed).

Councilman Lopez: 1) When to start budget process.

26. **ANNOUNCEMENTS/FUTURE MEETING(S):**

- Schedule meeting to discuss City Manager candidates: Scheduled executive session meeting to be held at 6:00 p.m., Wednesday, January 22nd to discuss selecting applicants and to schedule interviews for the position of city manager. Meeting will be held in the City Hall Conference Room.
- Monday, January 20, 2014 - Martin Luther King, Jr. Holiday
- Monday, January 27, 2014 - Work Session/CDBG Public Hearing
- Monday, February 10, 2014 - Opt-Out & Capacity Fee Public Hearing
- February 17, 2014 - Regular Council Meeting
- Monday, February 24, 2014 - Work Session

27. **CITIZEN COMMENTS ON NON-AGENDA ITEMS:** JoDee Mason, 9497 West Cottonwood Wash Rd., Pima, AZ. Ms. Mason addressed the Council on behalf of the Star Advocacy Center. She stated a Task Force is currently being compiled to define the needs of community and to build an advocacy center. She stated an advocacy center coordinates the professional response to reports of child abuse, sexual assault, and family violence. Professionals involved include: law enforcement, child protection services, friends and medical, prosecution advocates and mental health. She explained the (Graham/Greenlee County) victims of current cases of child molestation and sexual assaults the victims are transported to Tucson to the advocacy center. They are looking for volunteers, exploring funding and in the process of filing for grants. Task Force member meeting and sign up information: Tuesday, January 27th at 6:00 p.m. Ms. Mason's presentation ended at 7:27 p.m.
28. The Council may enter executive session: The Council entered executive session at 7:27:05 p.m. regarding the following items below:
1. Pursuant to Arizona Revised Statutes §38.431.03(A) (3) to discuss and consult for legal advice with the Interim City Attorney regarding a Notice of Hearing. The Council may take action in open session.
 2. Pursuant to Arizona Revised Statutes §38.431.03(A) (7) concerning possible purchase or lease of real property. The Council may take action in open session.
29. **ADJOURN:** There was no action taken by the Council. It was moved by Councilman Malloque, seconded by Councilman Lopez and carried unanimously to adjourn the meeting at 8:00 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, January 13, 2014, and approved at a Regular Council Meeting on Monday, February 10, 2014. I further certify the meeting was duly called, held and that a quorum was present.

February 10, 2014
Date: _____

Georgia Luster, MMC, City Clerk