



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

**CITY OF SAFFORD  
COUNCIL MEETING MINUTES  
Monday, November 23, 2015 @ 6:00 PM  
Safford Library Program Room, 808 S. 7<sup>th</sup> Avenue, Safford, Arizona**

**PRESENT:** Wyn “Chris” Gibbs, Mayor; Mary Bingham, Vice Mayor; Councilmembers, Gene Seale, Kenneth Malloque, Arnold A. Lopez, James D. Howes and Richard Ortega.

**STAFF PRESENT:** Horatio Skeete, City Manager; Joe Brugman, Police Chief; Leslie Norton, Executive Secretary; Randy Petty, Public Works Director/City Engineer; Alma Flores, Interim Finance Director; Jenny Howard, Utilities Director; Dustin Welker, Community Development Director; Cliff Davis, Human Resources Officer; Sam Napier, I.T. Administrator; and Georgia Luster, City Clerk. Dale Clark, I.T. Support Specialist, assisted with the audio recording of the meeting.

**OTHERS PRESENT:** Adriana M. Ramirez, Sherry Brady, Jay Wright, Harry Williams, John Howard, Chad Crockett, Mark Earp, Steve McGaughey, Pedro Ramirez, Neil Karnes and others who did not sign in.

**WELCOME AND CALL TO ORDER:** Mayor Gibbs called the meeting to order at 5:58:46 p.m.

**ROLL CALL:** A quorum of the Council was present (7).

**PLEDGE OF ALLEGIANCE TO THE FLAG:** Mayor Gibbs led the Pledge of Allegiance to the Flag.

**OPENING PRAYER:** Reverend Sherry Brady offered the opening prayer.

**CITIZEN COMMENTS ON AGENDA ITEMS:** Adriana Ramirez – wishes to address the Golf Course during the discussion of the Golf Course item on the agenda.

**PUBLIC HEARING:** In compliance with *Arizona Revised Statutes* §38.431.02, Mayor Gibbs opened the Public Hearing at 5:59:49 p.m. to hear public comments considering a proposed annexation of three (3) parcels east of the Safford Mesa Yard on Highway 191. City Manager Skeete presented the item. The City entered into previous agreements with previous property owners. Staff is recommending an agreement with the property owners to the parcels be annexed into

the City of Safford. The 20 feet on the west side of the City owned property will be deeded to property owners in exchange for the right-of-way on the front side which will be deeded to ADOT for legal right of way access along Highway 191. The intent is to straighten out the property lines.

Mayor Gibbs closed the public hearing and reconvened regular council meeting at 6:06:04 p.m.

**7. NEW/OLD BUSINESS:**

1. **Approve termination of Stage 3 Water Restrictions and return to Stage 1 restrictions.** Jenny Howard, Utilities Director, stated that three and one-half years ago, the City declared a water emergency and placed mandatory restrictions on water use because of the ongoing drought throughout the Southwest that caused the City water sources to be strained. The Utility Department has continually monitored the City's water sources on a daily basis. The wells have recovered to normal depths and the Bonita water source is holding. With those developments, the City's water sources are no longer operating at a Stage 3 status. After three and one-half years of operating the City water utility under a Stage Three Water Warning, the Utility Department requested the restrictions be rolled back to a Stage 1 level effective immediately. Stage 1 specifically encourages minimizing waste in water used for irrigation, vehicle and pavement washing, construction and other water consuming activities. No washing of paved areas such as drives, sidewalks, tennis courts, or basketball courts. Outside watering is limited to two hours on designated allowed water days (last digit of Address = even numbers water on even days and odd numbers water on odd days of the month) and outside watering shall be prohibited between 10:00 a.m. and 6:00 p.m.

Mayor Gibbs pointed out that ADWR restrictions dictates the stages.

There was discussion concerning establishing a new normal without causing customers to jump back and forth in the restrictions; Consider modifying times and days for water usage. Finally, the City has taken several efforts over the last three years to secure its water source for its customers - Three new wells will be brought on line within the next year and with the help of FMI, maximizing water flows in the Bonita Creek source have increased.

Councilman Malloque challenged staff to develop a method to reward its customers for using less water rather than penalizing them through rates.

The Council expressed appreciation to the public, neighboring communities, and staff for their assistance in getting through the water emergency.

A motion was made by Councilman Malloque and seconded by Councilman Lopez to terminate Stage 3 Water Restrictions and return to Stage 1 restrictions, and to notify the public. The motion was unanimous. **MOTION ADOPTED**

7 - Mayor Gibbs, Vice Mayor Bingham, Gene Seale, Kenneth Malloque, Arnold Lopez, Richard Ortega, and James Howes.

**8. MONTHLY/QUARTERLY REPORTS:**

1. Police Report
2. Planning and Community Development Report
3. Public Works Report
4. Human Resources Report
5. Clerk's Office Report
6. Library Report
7. Utilities Consumption/Water Production Reports
8. Projects Status Report
9. Prosecution Report
10. Airport Report
11. Expense Report over \$5,000
12. Purchasing Card Report

City Manager Skeete stated the monthly staff reports are available for any comments and questions by the Council. Specifically, he noted that Councilman Malloque requested an update regarding the recycling process. The Landfill Report was enhanced by adding information about the recycling process which is addressed under Item #7.

Councilman Malloque stated that he believes recycling is vital to the Valley and supports recycling one-hundred percent. However, he has received comments from customers about running out of room in their black trash can because their trash and recycling products are being picked up once a week. He suggested considering the option of providing a second trash container to those customers who believe they need the extra room for trash.

Jenny Howard, Utility Director, replied that option is already being offered to customers. Those customers requesting an additional can pay an additional charge. She noted that most calls

received are from resident(s) requesting another can because they are out of room. Staff explains the recycling process and the fact that approximately half of their waste is recyclable. Customers agree to try it and staff does not hear back from them requesting another black can. Most customers do/did not realize that they have more recyclables than trash. She said that on an average, "It takes a human approximately 66 days to form a new habit or behavior".

**9. ORDINANCES:**

1. **First Reading of Ordinance Number 15-006, amending Title 9, Public Peace, Morals and Welfare, adding Chapter 9-14, Providing a Location for an Unlawful Minor Party/Gathering, AKA the Social Host Ordinance, of the Municipal Code of the City of Safford.** Police Chief, Joe Brugman presented the Social Host Ordinance item.

Chief Brugman stated the Social Host Ordinance began as a partnership between the Safford Police Department and the Graham County Substance Abuse Coalition. The ordinance is designed to protect our youth from the dangers of underage consumption of alcohol. He noted that the definition of who is responsible and who would be cited is outlined in the Definitions portion of the ordinance.

City Manager Skeete pointed out that Chief Brugman was instrumental in introducing the Social Host Ordinance Valley wide. The other municipalities and Graham County are actively considering putting the ordinance in place.

The City Clerk read the Title and Number of Ordinance Number 15-006. **FIRST READING**

**10. CONTRACTS, AGREEMENTS, BIDS:**

1. **Approve Intergovernmental Agreement between the City of Safford and the Town of Pima for the servicing of Pima Fire Trucks by the City of Safford.** Randy Petty, Public Works Director, presented the Intergovernmental Agreement between the City of Safford and the Town of Pima for the servicing of their fire trucks.

A motion was made by Councilman Ortega and seconded by Councilman Howes to approve an Intergovernmental Agreement between the City of Safford and the Town of Pima for the servicing of the Pima fire trucks. The Town of Pima requested renewing the IGA for another year. Pima will reimburse the City of Safford the

hourly rate for labor, cost of parts, and the cost of the Garage Keepers Insurance. The term of the IGA is through June 30, 2016. The motion was unanimous.

**MOTION ADOPTED**

7 - Mayor Gibbs, Vice Mayor Bingham, Gene Seale, Kenneth Malloque, Arnold Lopez, Richard Ortega, and James Howes.

2. **Approve the selection of Bowman Consulting of Safford for services to design and provide construction documents for the 14<sup>th</sup> Avenue from Relation Street to 8<sup>th</sup> Street design project in the amount of \$82,703.** Randy Petty, Public Works Director, presented the item. He requested the Council consider approving a fee proposal from Bowman Consulting for services to design and provide construction documents for the 14<sup>th</sup> Avenue from Relation Street to 8<sup>th</sup> Street design project. Two fee proposals were received, one from Kimley-Horn and Associates and Bowman Consulting. Bowman's Consulting proposal to complete the work is \$82,703 and is the lowest of the two proposals received. Additionally, he is requesting to move \$20,000 from the Handicap Ramp budgeted item.

Councilman Lopez suggested to consider in the design, constructing street lights along the sidewalk between the high school and Relation Street.

A motion was made by Councilman Malloque, to approve the selection of Bowman Consulting of Safford for services to design and provide construction documents for the 14<sup>th</sup> Avenue from Relation Street to 8<sup>th</sup> Street design project in the amount of \$82,703, and move \$20,000 from the Handicap Ramp (CIP # ST1501) to the 14<sup>th</sup> Avenue Design Project (CIP # ST1607) Motion was unanimous. **MOTION ADOPTED**

7 - Mayor Gibbs, Vice Mayor Bingham, Gene Seale, Kenneth Malloque, Arnold Lopez, Richard Ortega, and James Howes.

3. **Approve Lease Termination and Mutual Release Agreement between the City of Safford and Springbok Development, LLC effective November 29, 2015, and authorizing the City Manager to purchase the existing grounds keeping equipment, golf carts and a liquor license for \$97,177.00.** City Manager Skeete explained the request is to terminate the lease agreement between the City of Safford and Springbok L.L.C. effective November 29, 2015, and to authorize the City Manager to purchase the existing grounds keeping equipment, golf carts and a liquor license for the amount of \$97,177.

**Adriana Ramirez, 3862 W. Bingham Street, Thatcher, Arizona:** Mrs. Ramirez expressed her appreciation to the Council for placing the item on the Agenda. She stated that she hopes Springbok pays his employees with part of this money.

Councilman Ortega recommended Springbok pay his employees first and insure dates and purchase of the equipment are legitimate. He also recommends setting a deadline to complete the transaction.

Mr. Skeete responded that he requested Springbok to provide the UCC reports indicating all equipment and the liquor license is free and clear as part of the transaction. The transaction is scheduled to close on November 29, 2015. He restated the direction by Council is to ensure all outstanding employee salaries are paid at the termination of the lease and payment by the City. (Yes)

A motion was made by Councilman Ortega, seconded by Vice Mayor Bingham to approve the Lease Termination and Mutual Release Agreement between the City of Safford and Springbok Development, L.L.C. effective November 29, 2015, authorize the City Manager to purchase the existing grounds keeping equipment, golf carts and a liquor license for the amount of \$97,177.00, to ensure all outstanding employee compensation is paid by Springbok Development, L.L.C. at the termination of the lease, and to provide ownership of all equipment before payment by the City of Safford. Motion was unanimous. **MOTION ADOPTED**

7 - Mayor Gibbs, Vice Mayor Bingham, Gene Seale, Kenneth Malloque, Arnold Lopez, Richard Ortega, and James Howes.

4. **Approve the proposed Golf Course Budget commencing November 30, 2015 and ending June 30, 2016.** City Manager Skeete explained Item #10-4 is a request for the Council to approve the proposed Golf Course Budget commencing November 30, 2015 through June 30, 2016. Staff is proposing to re-open the Golf Course as soon as possible. The proposed Budget includes the retention of six employees, 2 part-time employees currently at the Golf Course. All will be contract/temporary employees, working an average of 30 hours weekly, until a budget and course of action is decided for next year. A current Park employee will be temporarily assigned to assist with the operations of the Golf Course that will also allow workforce assistance through the Department of Corrections to assist with the maintenance and the operations of the Golf Course. Additionally, staff is recommending closing the Golf Course on Monday to allow staff to do some serious repairs and maintenance of the Course without interruption. Anticipating

approximately \$100,000 - \$105,000 in revenues to be collected from rounds of golf played between now and the end of June; expenditures of about \$261,900 for operating deficit of \$156,900. Departments will begin evaluating their remaining General Fund balance and reduce departmental expenditures to reduce this deficit. Last year's budget did include \$200,000 for the Golf Course. Unfortunately, it is not enough and will be used for the completion of the transfer process to the City. A detailed budget amendment will be presented to the Council in January outlining the department reductions that will cover the costs of taking back the Golf Course.

Mayor Gibbs inquired about not seeing a mechanism in the agreement to recover outstanding memberships. "How does the City recoup that so that the person doesn't get turned away at the door?"

Mr. Skeete stated that he requested the information from Mr. Jeff Holt, but to date, he has not received it. He reminded the Council that there was no transfer of advanced membership fees during the transition from the City to Springbok.

Mayor Gibbs asked Mr. Armburst (in the audience) if he was aware of how many Golf membership there might be. Mr. Armburst replied approximately one-hundred members (Mens/Womens associations).

There was a discussion about amending the Motion from Item 10-4 to secure existing membership fees paid prior to the termination of the lease agreement and those membership fees to be paid from this point on being paid to the City of Safford.

Councilman Ortega and Vice Mayor Bingham amended Item 10-4 Motion to include Golf Course Membership fees paid between tonight and the end of the month are to be paid to the City of Safford. The Motion was unanimous. **MOTION ADOPTED**

7 - Mayor Gibbs, Vice Mayor Bingham, Gene Seale, Kenneth Malloque, Arnold Lopez, Richard Ortega, and James Howes.

A motion was made by Councilman Ortega and seconded by Councilman Howes to approve the proposed Golf Course Budget commencing November 30, 2015 and ending June 30, 2016. The Motion was unanimous. **MOTION ADOPTED**

7 - Mayor Gibbs, Vice Mayor Bingham, Gene Seale, Kenneth Malloque, Arnold Lopez, Richard Ortega, and James Howes.

5. **Approve entering into an escrow agreement to purchase two parcels of land owned by Lawrence and Josephine McGarry for a combined price of \$195,000 plus any and all applicable normal closing costs subject to securing a clean title.**

Jenny Howard, Utilities Director, presented Item # 10-5. She referred to a map of the property parcels that was emailed to the Council. The property is located at the mouth of Bonita Creek owned by Lawrence and Josephine McGarry. The City has been on a mission to secure viable water well sites both inside and outside the "Bright Line" area. One such site was the high water producing well recently purchased from the Clonts family. This well is located 2,000 feet from the City's Bonita Creek water line. In order to make the connection from the Clonts well to the Bonita water line, the City must secure three easements from separate property owners in the area. The purchase of the McGarry property will complete the path necessary to install the line from the well to the existing line. A sizable portion of this property is outside the "Bright Line" thus giving the City an opportunity to conduct additional water exploration in what has proven to be a rather productive area. The purchase of this land will give the City the ability to construct the necessary water line immediately subject to budget. It also provides sufficient land to drill at least two exploratory wells in the area and if successful could provide a reliable source to either expand or augment the current supply coming from the Bonita Creek area. This option allows the City to utilize some already existing pumping equipment thus reducing construction cost. The alternative would require the City to secure a renewable license/easement agreement with the Federal Bureau of Land Management (BLM - stipulated as a last resort). This easement is not guaranteed by the BLM. She requested the Council consider entering into an escrow agreement and utilizing the services of Pioneer Title Agency to complete the necessary documentation to purchase the property from the McGarry's.

A motion was made by Councilman Lopez, seconded by Councilman Ortega to approve entering into an escrow agreement to purchase two parcels of land owned by Lawrence and Josephine McGarry for a combined price of \$195,000 plus any and all applicable normal closing costs subject to securing a clean title. The Motion was unanimous. **MOTION ADOPTED**

7 - Mayor Gibbs, Vice Mayor Bingham, Gene Seale, Kenneth Malloque, Arnold Lopez, Richard Ortega, and James Howes.

11. **Select Vice Mayor. Pursuant to Section 2.16.020 of the 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.** City Manager Skeete explained Vice Mayor Bingham has requested to resign as Vice Mayor for the City of Safford effective tonight, November 23, 2015.

Mayor Gibbs express appreciation to Vice Mayor Bingham for her willingness to serve. Councilman Seale nominated Richard Ortega and Councilman Howes nominated Arnold Lopez. Councilman Lopez recommended the selection of Richard Ortega for Vice Mayor.

The Council unanimously selected Richard Ortega to serve as Vice Mayor for the City of Safford effective November 23, 2015.

12. **COUNCIL REQUESTS FOR AGENDA ITEMS: NONE**

13. **MEETINGS/ACTIVITIES HELD OR TO BE HELD BY COUNCIL OR CITY STAFF:**

- December 14, 2015 - Council Meeting

Vice Mayor Ortega attended the SEAGO meeting in Bisbee last Friday. He noted that SEAGO is looking for member for the Advisory Council on Aging. There are currently two (2) vacancies in Cochise County, three (3) in Graham County, and one (1) in Santa Cruz County. There is the need to promote the four counties for tourism/economic development.

Mayor Gibbs attended the Arizona Town Hall.

Councilman Lopez – attended Boys & Girls Club meeting. Ms. DeLeon is the new local director of the Boys & Girls Club. He was invited to take part in new metering program, Aqua Hawk.

The Council adjourned to executive session at 7:20:27 p.m.

14. **EXECUTIVE SESSION:**

1. The City Council may enter executive session, pursuant to *Arizona Revised Statutes* §§ 38-431.03(A)(7) regarding lease options available to the City in connection with Force 360 and to give the City Manager directions concerning negotiations of the

lease of Airport property. The City Council may reconvene regular session to take action.

15. **CITIZEN COMMENTS ON NON-AGENDA ITEMS: NONE**
16. **ADJOURN:** It was moved by Councilman Malloque, seconded by Vice Mayor Ortega, and unanimously approved to adjourn regular session 7:54:29 p.m. **MOTION ADOPTED**

APPROVED:

---

Wyn "Chris" Gibbs, Mayor  
City of Safford

ATTEST:

---

Georgia Luster, MMC  
City Clerk

STATE OF ARIZONA    )  
                                  )    ss  
County of Graham    )

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the Regular Council Meeting Minutes of the Safford City Council, Graham County, Arizona held Monday, November 23, 2015, and approved at a Regular Council Meeting on Monday, December 14, 2015. I further certify the meeting was duly called, held and that a quorum was present.

December 14, 2015  
Date:

---

Georgia Luster, MMC  
City Clerk