

MINUTES

TOWN OF MIAMI SPECIAL MEETING OF THE MAYOR AND COUNCIL MONDAY, JULY 28, 2014 AT 6:30 P.M.

1. CALL TO ORDER:

Mayor Castaneda called the meeting to order at 6:34 p.m.

2. PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor Castaneda led the pledge and Councilmember Baeza led the invocation.

3. ROLL CALL OF COUNCILMEMBERS:

Present: Mayor Castaneda, Vice Mayor Hanson, Councilmember Baeza, Councilmember Black, Councilmember Dalley, Councilmember Gonzales and Councilmember Reiman.

Staff Present: Town Attorney Smiley, Engineering Paul Curzon, Police Chief Gillen, and Town Clerk Norris.

4. **CONSENT AGENDA:** *All items listed below are considered consent calendar items and may be approved by a single motion unless removed at the request of a Councilmember for further discussion/action. Other items on the agenda may be added to the consent calendar and approved under a single motion.*

- A. Consideration and possible action to approve Minutes of the July 14, 2014 Regular Council Meeting.
- B. Consideration and possible action to approve Minutes of the July 23, 2014 Special Council Meeting.
- C. Consideration and possible action to approve the Town Payroll for July 10, 2014 to July 23, 2014.

Councilmember Dalley motioned to approve the Consent Agenda. Motion seconded by Vice Mayor Hanson. Mayor Castaneda calls for the vote. Vote – 7 in favor. MOTION PASSED.

5. APPROVAL OF DEMANDS:

- A. Consideration and possible action to approve the General Demands for July 10, 2014 to July 23, 2014.

Councilmember Black asks for clarification of several demands listed in the report. Mayor Castaneda questions the multiple demands for Verizon. Finance Director Sanchez explains that it is one payment to Verizon but is showing the breakdown of accounts made on that one payment. Vice Mayor Hanson motioned to approve the General Demands for July 10, 2014 to July 23, 2014. Motion seconded by Councilmember Baeza. Mayor Castaneda calls for the vote. Vote – 7 in favor. MOTION PASSED.

6. REPORTS / RECOGNITIONS:

A. Department Reports:

Police Chief Gillen reports the Police Department activity and statistics.

Mr. Paul Curzon, Engineering Department gives an update on the acquisition of easements. Reports on the TTAC meeting, will be meeting with FEMA at Mackey Camp regarding the bridge. Reports on moving forward on the ADOT Sign Project again. Gives a brief Code Enforcement/Blight update.

Town Clerk Norris gives the Library and Senior Center activity and statistic report.

B. Town Manager Reports:

C. Mayor/Council Reports:

Mayor Castaneda comments briefly regarding the Town Manager hiring process moving forward and should have a Town Manager in place by early August.

7. CALL TO THE PUBLIC:

Mr. Jon Cornell of KQSS Radio comments regarding Southern Gila County Development Committee conducting a wayfinding project. Mr. Cornell comments on the Geo Caching and wants to find out if the Town of Maimi will allow them to put boxes within the Town on Town property.

Mr. Angel Medina, Miami resident, comments regarding having discussion with Council regarding upcoming issues and information on the Ballot Question. He would like to volunteer his audio equipment if the Town would like to hold a public forum to get the information out regarding the Permanente Base Adjustment issue.

8. UNFINISHED BUSINESS:

A. Information, discussion and possible action: To approve revision to Paragraph 2.1 of the Settlement Agreement with Desert Fox Van Dyke Co. to extend the deadline for completion to August 8, 2014 or as otherwise agreed to in writing by the Parties.

Town Attorney Smiley presents this item to Council. This item was approved at the last Council meeting but the deadline has come up too quickly. Desert Fox Van Dykes attorney asked if Council would be willing to extend the deadline from July 18th to August 8th. EUSI has no problem with allowing the extension. Town Attorney Smiley states they did not prepare a full amendment to the agreement, just requesting an extension to the date that is in the agreement. Mr. Tim Marsh of Desert Fox gives a brief slide show of the work that has been completed at the Wastewater Treatment Plant. Councilmember Dalley motioned to approve the time extension. Motion seconded by Councilmember Black. Mayor Castaneda calls for the vote. Vote – 7 in favor. MOTION PASSED.

- B. Information, discussion and possible action:** To approve Ordinance No. 341; amending the Miami Town Code to add Title 11 Parks and Recreation related to providing rules and regulations for the use of Town parks.

Town Attorney Smiley presents this item to Council. This item was presented to Council at the last Council meeting and was tabled so that Council can review it and make recommended changes to the Ordinance. There is some confusion because Council states that they did make recommendations of the changes they would like to see at the last meeting. Town Attorney Smiley requests that Council review this proposed ordinance and email her with the changes or corrections they would like to propose for the ordinance. Councilmember Reiman motioned to table this item. Motion seconded by Vice Mayor Hanson. (Council will email suggested changes to the Town Attorney). Mayor Castaneda calls for the vote. Vote – 7 in favor. MOTION PASSED – ITEM TABLED.

9. NEW BUSINESS:

- A. Information, discussion and possible action:** To approve Resolution No. 1149; Levying upon the assessed valuation of property within the Town of Miami subject to taxation, a certain sum of money for FY 2014/2015 to be assessed against the valuation of real property for primary tax purposes.

Town Clerk Norris presents the resolution to Council. This resolution is somewhat of a house keeping item that Council does every year. This year there are no changes from last years tax levy. Vice Mayor Hanson motioned to approve Resolution No. 1149; Levying upon the assessed valuation of property within the Town of Miami subject to taxation, a certain sum of money for FY 2014/2015 to be assessed against the valuation of real property for primary tax purposes. Motion seconded by Councilmember Baeza. Mayor Castaneda calls for the vote. Vote – 7 in favor. MOTION PASSED.

- B. Information, discussion and possible action:** To approve payment application for AMEC, subject to funding agency concurrence, in the amount of \$45,901.76 for one month of Design, Program Management and Construction Management Services, as recommended by the Wastewater Advisory Board.

Mr. Paul Curzon presents this item to Council. Vice Mayor Hanson motioned to approve payment application for AMEC, subject to funding agency concurrence, in the amount of \$45,901.76 for one month of Design, Program Management and Construction Management Services, as recommended by the Wastewater Advisory Board. Motion seconded by Councilmember Dalley. Brief discussion regarding what account this payment will be coming from; WIFA. Brief discussion regarding when the design work will be completed. Mayor Castaneda calls for the vote. Vote – 6 in favor and 1 member opposed (Councilmember Black). MOTION PASSED.

- C. Information, discussion and possible action:** To approve payment application for Town of Miami, subject to funding agency concurrence, in the amount of \$1,000.00 for ADEQ Fees for Phase 1A Improvements, as recommended by the Wastewater Advisory Board.

Mr. Paul Curzon presents this item to Council. Mr. Curzon explains that the Town's permit had expired and had to be renewed. This is reimbursement for the renewal of the permit. Discussion regarding renewal of the permit and who is responsible for that. Councilmember Dalley motioned to approve payment application for Town of Miami, subject to funding agency concurrence, in the amount of \$1,000.00 for ADEQ Fees for Phase 1A Improvements, as recommended by the Wastewater Advisory Board. Motion seconded by Councilmember Baeza. Discussion regarding the permit expiring due to delays and/or change orders; and who is responsible for the delays. Mayor Castaneda calls for the vote. Vote – 6 in favor, 1 member opposed (Councilmember Black).
MOTION PASSED.

- D. Information, discussion and possible action:** To approve payment application for Curtis, Goodwin, Sullivan, Udall and Schwab, subject to funding agency concurrence, in the amount of \$1,313.76 for Legal Services, as recommended by the Wastewater Advisory Board.

Mr. Paul Curzon presents this item to Council. Vice Mayor Hanson motioned to approve payment application for Curtis, Goodwin, Sullivan, Udall and Schwab, subject to funding agency concurrence, in the amount of \$1,313.76 for Legal Services, as recommended by the Wastewater Advisory Board. Motion seconded by Councilmember Baeza. Mayor Castaneda calls for the vote. Vote – 6 in favor, 1 member opposed (Councilmember Black). MOTION PASSED.

- E. Information, discussion and possible action:** To approve AMEC Contract Amendment No. 24, subject to USDA concurrence, in the amount of \$282,392.00 - for funds for extension of Construction Management Services, including Resident Project Representative (RPR) and Resident Engineer (RE) services, for the completion of the Phase 2 construction project, as recommended by the Wastewater Advisory Board.

Mr. Paul Curzon presents this item to Council. The Wastewater Advisory Board recommends Council to table this item. Vice Mayor Hanson motioned to table AMEC Contract Amendment No. 24, subject to USDA concurrence, in the amount of \$282,392.00 - for funds for extension of Construction Management Services, including Resident Project Representative (RPR) and Resident Engineer (RE) services, for the completion of the Phase 2 construction project, as recommended by the Wastewater Advisory Board. Motion seconded by Councilmember Baeza. Mayor Castaneda calls for the vote. Vote – 7 in favor. MOTION PASSED – ITEM TABLED.

- F. Information, discussion and possible action:** To approve AMEC Contract Amendment No. 25, subject to USDA concurrence, in the amount of \$14,375.00 – includes funds for assisting in the overall easement acquisition process, as recommended by the Wastewater Advisory Board.

Mr. Paul Curzon presents this item to Council. Discussion regarding how the easement numbers were reduced. Mayor Castaneda motioned to approve AMEC Contract Amendment No. 25, subject to USDA concurrence, in the amount of \$14,375.00 – includes funds for assisting in the overall easement acquisition process, as recommended by the Wastewater Advisory Board. Motion seconded by Vice Mayor Hanson. Mayor Castaneda calls for the vote. Vote – 6 in favor and 1 member opposed (Councilmember Black). MOTION PASSED.

G. Information, discussion and possible action: To appoint a Town of Miami Town Manager:

- a) The Miami Town Council may vote to recess the public meeting and hold an Executive Session pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, promotion, or salaries, Mr. Ricardo Mendez, Mr. Michael Scannell, Mr. Scott Bowles, Mr. Robert Wherry or Mr. Joseph Heatherly as Town Manager.

Councilmember Black motioned to table this item because the Council Request form is not properly signed; there are no signatures. Motion seconded by Councilmember Gonzales. Town Attorney Smiley states that there is no state law providing for procedures to place items on the agenda; that generally is an administrative policy. The agenda was properly posted and this is just an administrative issue and Council can waive the technical issue. Councilmember Black comments that he has an issue with this item because of the technical issue and questions the hurry. Councilmember Black comments regarding a time when his items were denied being placed on the agenda for technical issues similar to this. Mayor Castaneda calls for the vote. Vote – 2 in favor (Councilmember Black and Councilmember Gonzales) and 5 members opposed. MOTION DENIED. Councilmember Dalley motioned to recess into executive session. Motion seconded by Vice Mayor Hanson. Councilmember Black excuses himself from attending the executive session. Mayor Castaneda calls for the vote. Vote – 5 in favor and 2 opposed (Councilmember Black and Councilmember Gonzales). MOTION PASSED. Meeting recessed at 7:47 p.m.

Call back to order at 8:37 p.m. All Councilmembers present. Town Attorney Smiley and Town Clerk Norris are also present.

Mayor Castaneda motioned to direct the Town Attorney to negotiate a contract with for Town Manager with Mr. Joseph Heatherly. Motion seconded by Vice Mayor Hanson. Mayor Castaneda calls for the vote. Vote – 6 in favor and 1 member opposed (Councilmember Black). MOTION PASSED.

10. CALL TO THE COUNCIL:

Councilmember Dalley gives thanks and appreciation to the Town Attorneys for attending Music in the Park last Saturday night.

11. ADJOURNMENT: Councilmember Dalley motioned to adjourn the meeting. Motion seconded by Councilmember Baeza. Mayor Castaneda calls for the vote. Vote – 7 in favor. MOTION PASSED.

Adjourned 8:38 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special meeting of the Town Council of the Town of Miami, AZ held on the 28th day of July 2014.


I further certify that the meeting was duly called and that a quorum was present.

DATED this 11th day of August 2014.



Karen Norris, Town Clerk

APPROVED:



Rosemary Castaneda, Mayor