

MINUTES

TOWN OF MIAMI

REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, SEPTEMBER 26, 2016 AT 6:30 PM

1. CALL TO ORDER:

Mayor Dalley calls the meeting to order at 6:30 pm.

2. PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor Dalley led the pledge of allegiance, followed by Councilmember Medina leading the invocation.

3. ROLL CALL OF COUNCIL MEMBERS:

PRESENT: Mayor Dalley, Vice Mayor Reiman, Councilmember Gonzales, Councilmember Hanson and Councilmember Medina.

ABSENT: Councilmember Black and Councilmember Castaneda.

STAFF PRESENT: Town Manager Heatherly, Town Attorney Smiley, Town Clerk Norris, Finance Clerk Lopez, Public Works Administrator Tom Moreno and Police Chief Gillen.

4. CONSENT AGENDA:

- A. Consideration and possible action to approve Minutes of the September 12, 2016 Regular Meeting.
- B. Consideration and possible action to approve October 2016 as Domestic Violence Awareness Month Proclamation
- C. Consideration and possible action to approve the Town Payroll for September 11, 2016.

Vice Mayor Reiman moved to approve the consent agenda. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members excused (Councilmembers Black and Castaneda). MOTION PASSED.

5. APPROVAL OF DEMANDS AND PRESENTATION OF BUDGET REPORTS:

- A. Consideration and possible action to approve the General Demands for September 3, 2016 to September 22, 2016.

Councilmember Gonzales moved to approve the general demands for September 3, 2016 to September 22, 2016. Seconded by Councilmember Medina. Mayor Dalley calls for the vote.

Vote – 5 in favor and 2 members excused (Councilmembers Black and Castaneda). MOTION PASSED.

6. REPORTS / RECOGNITIONS:

A. Department Reports.

Police Chief Gillen, Police Department report of statistics and activity.

B. Town Manager Report.

Town Manager Heatherly reports that a preliminary request has been prepared to submit to ADEQ for placement of the wastewater sludge. Preparing for the next Council meeting some details on budgetary items. Will be having discussions in the next few weeks regarding what the Town needs to do in preparation for the upcoming wastewater rate increases. Have scheduled with the Town's CPA firm to begin the 15/16 audit. Have resolved the grease trap issues occurring on Nash Street. Town Manager Heatherly states that he will be out of town Wednesday through Sunday.

C. Mayor/Council Reports.

Councilmember Medina states the Boomtown Spree event will be held April 8, 2017. Looking for any volunteers who wish to help with the event. Will be putting information on their website. Councilmember Medina states that he found out about the Red Ribbon Event and it coincides with the Moose event as well. Would like to "piggy back" with the Red Ribbon Event in lieu of the Halloween event. Would like to make it an annual event.

7. CALL TO THE PUBLIC:

Mr. David Cook, Globe resident, addresses Council regarding an event they are planning for October 8th, part of which will be in the Town of Miami. Mr. Cook is running for State Legislature and has a walking invitation for volunteers and elected officials in support of his candidacy. This is a nonpartisan event that is driven toward bringing State, County and Local governments together for a common purpose and to the people of this community.

8. UNFINISHED BUSINESS:

9. NEW BUSINESS:

- A. Information, discussion and possible action:** To approve request from Miami High School to use Sullivan Street and Miami Veterans Memorial Park for a Homecoming Parade on Friday, October 21, 2015, 12:00 p.m. to 3:00 p.m. and to provide traffic control and barricades as deemed necessary by the Miami Police Department.

Mr. David Cook, Miami High School Senior Class Vice President, Hannah Griego, Class Secretary and Alexis Followill, Class President, present this request to Council. Vice Mayor Reiman asks if they have an idea of how long the parade tie up Sullivan Street. They believe it will only be about an hour long. Councilmember Hanson moved to approve this item as stated.

Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members excused (Councilmembers Black and Castaneda). MOTION PASSED.

B. Information and discussion only: Update and discussions regarding trash pickup procedures.

Mr. Tom Moreno, Public Works Administrator, presents this item to Council. Mr. Moreno states that Public Works will no longer be taking the garbage truck up to Mackey's Camp. They will be doing garbage collection in that area with a pickup truck. They will be picking up garbage on Lindon Street this way as well. They want to cut down on the strain on the garbage truck and also not take the garbage truck onto private property. Public Works will use the pickup truck to collect the garbage for the house behind the church (Madrid house). Within 30 days Mr. Madrid will be advised that he will need to bring his garbage to the bottom of the hill to be picked up. This change will also take place for 372 Southern, this is so as not to take the garbage truck onto private property. The owner will be advised of this change and that they will need to bring their garbage to the end of the street for pickup. The main reason for the change is to avoid taking the truck onto narrow roads and private properties. Councilmember Gonzales thanks Mr. Moreno and his crew for doing an excellent job and coming up with these ideas to limit the Town from certain liabilities. Councilmember Hanson comments on how much the Public Works crewed helped with the Fiesta event and thanks them for their hard work. No action taken on this item.

C. Information and discussion only: Regarding an update on the progress of the Town of Miami Phase 2 Sewer Project.

Town Manager Heatherly states that the substantial completion date for this project is October 4th. In a meeting last Thursday he informed the contractor what the substantial completion was. There is no specific guidelines defining substantial completion so he felt it was important to lay some ground rules out so it is known what is expected. It means that the project is almost done and final completion is 30 days after that, November 3rd. During this period the Town will define its expectations before the final completion. Substantial completion means that the main line is up and running and usable. Town Manager Heatherly explains that there is still a lot of things that need to be done to tie in all the sections. The paving of the asphalt and concrete will need to be essentially done as well. Town Manager Heatherly brings Council up to date as to where the contractor is in this final stage of the project and some of the issues they have been dealing with in this stage and trying to get done to reach substantial completion. Town Manager Heatherly states that the incentive for the contractor to be done by October 4th is that the Town charges about \$1,040.00 per every day after the 4th that the project is not complete. Brief discussion regarding the issue on Gordon Street and if it has been fixed. No action taken on this item.

D. Information, discussion and possible action: To approve, subject to funding agency approval, Change Order #30: \$5,152.80, increase in Kinkaid Civil Construction's contract price to cover costs to remove conflicting concrete required to install the sewer main at Kent Street, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council and explains this was unforeseen. Councilmember Medina moved to approve, subject to funding agency approval, Change Order #30: \$5,152.80, increase in Kinkaid Civil Construction's contract price to cover costs to remove conflicting concrete required to install the sewer main at Kent Street, as recommended by the Wastewater Advisory Board. Seconded by Councilmember Gonzales. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members excused (Councilmembers Black and Castaneda). MOTION PASSED.

E. Information, discussion and possible action: To approve, subject to funding agency concurrence, payment application for Kinkaid Civil Construction, in the amount of \$385,003.62 for Phase 2 Construction Services, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council and explains this is a progress payment to Kinkaid for the amount of work completed through the end of August. Vice Mayor Reiman moved to approve, subject to funding agency concurrence, payment application for Kinkaid Civil Construction, in the amount of \$385,003.62 for Phase 2 Construction Services, as recommended by the Wastewater Advisory Board. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members excused (Councilmembers Black and Castaneda). MOTION PASSED.

F. Information, discussion and possible action: To approve, subject to funding agency concurrence, payment application for Gust Rosenfeld, PLC, in the amount of \$6,650.86 for Legal Services, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council explaining this is for legal services for the months of July and August. Councilmember Medina moved to approve, subject to funding agency concurrence, payment application for Gust Rosenfeld, PLC, in the amount of \$6,650.86 for Legal Services, as recommended by the Wastewater Advisory Board. Seconded by Vice Mayor Reiman. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members excused (Councilmembers Black and Castaneda). MOTION PASSED.

G. Information, discussion and possible action: To approve, subject to funding agency concurrence, payment application for AMEC, in the amount of \$50,703.10 for Design and Construction Management Services, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council explaining that the majority of the costs of this one is for the Resident Project Representative field rep. through the end of August. Councilmember Medina moved to approve, subject to funding agency concurrence, payment application for AMEC, in the amount of \$50,703.10 for Design and Construction Management Services, as recommended by the Wastewater Advisory Board. Seconded by Councilmember Hanson. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members excused (Councilmembers Black and Castaneda). MOTION PASSED.

H. Information, discussion and possible action: To approve, subject to funding agency concurrence, AMEC Contract Amendment No. 30, in the amount of \$32,200.00 this includes funds for additional Resident Project Representative (RPR)

services incurred during the Phase 2 construction, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council explaining that this is for the field representative from the end of August through the middle of November. Councilmember Hanson moved to approve this item as written. Seconded by Councilmember Medina. Councilmember Gonzales questions the additional hours for this service and why was it not in the original contract. Town Manager Heatherly explains that due to time delays this cost was incurred. Brief discussion regarding time delays being costly. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members excused (Councilmembers Black and Castaneda). MOTION PASSED.

- I. **Information, discussion and possible action:** To approve, subject to funding agency concurrence, AMEC Contract Amendment No. 31, in the amount of \$106,250.00 this includes funds for additional investigative work to be used to finish the design of Phases 3-5, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council explaining that this came before the Wastewater Advisory Board and Council approximately 2 months ago. Staff was seeking approval of \$100,000.00 to do video cameraing, potholing and working with the utility companies to better the project phase 3 - 5. Staff is basically asking for \$6,250.00 more than what was originally approved. Councilmember Hanson moved to approve Item I as written. Seconded by Councilmember Medina. Discussion regarding which lines will be videoed. Councilmember Gonzales comments that he has an issue with this because it was done once before and now we are going back and doing it again; costing the taxpayers a lot of money. What happens if we get to Phase 3 and run out of money? Town Manager Heatherly explains that nothing specifies that Phase 3 has to be done before Phase 4 and Phase 4 has to be done before 5. The project is just broken down into quadrants. The important thing now is to go out and look at all the lines to determine where we should prioritize the work, we won't know that until we evaluate that now. Discussion regarding the contractors doing the potholing. Brief discussion regarding potholing and why is the Town not having the utility companies share the cost of this since they will benefit from this as well. Town Manager Heatherly explains that there have been meetings with Arizona Water Company regarding potholing and they have agreed to work with the Town on this project and both will share information with each other. Discussion regarding the asphalt analysis. Mayor Dalley calls for the vote. Vote – 4 in favor, 1 opposed (Councilmember Gonzales) and 2 members excused (Councilmember Black and Castaneda). MOTION PASSED.

- J. **Information, discussion and possible action:** To approve, subject to funding agency concurrence, AMEC Contract Amendment No. 32 in the amount of \$65,914.00 this includes funds for additional Program Management services in support of the Phase 3-5 design, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council explaining that this is technically an amendment to the AMEC contract but this amount is for HilgartWilson. It is not related to any of the work being done by AMEC. Half of this is for work that HilgartWilson has been doing since April when it was anticipated that HilgartWilson would work directly for the Town; that did not

happen due to USDA. Vice Mayor Reiman moved to approve, subject to funding agency concurrence, AMEC Contract Amendment No. 32 in the amount of \$65,914.00 this includes funds for additional Program Management services in support of the Phase 3-5 design, as recommended by the Wastewater Advisory Board. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members excused (Councilmembers Black and Castaneda). MOTION PASSED – ITEM TABLED.

K. Information, discussion and possible action: To give direction to Town Manager to finalize and release a Request for Qualifications (RFQ) for Construction Management services for Phases 3-5 of the sewer project.

Town Manager Heatherly presents this item to Council and explains this is to advertise RFQ's – Request for Qualifications, for the construction management services for Phases 3-5. This has nothing to do with price at all, they will be looking purely for qualifications. A draft of the RFQ has been provided for Council's review. Would like to go out to bid on this within the next two weeks. Brief discussion of who will be reviewing and evaluating the submitted qualifications. Brief discussion and comments regarding concerns of a new construction management company beginning in the middle of the project. Councilmember Hanson moved to accept this agenda item as written. Seconded by Councilmember Medina. Town Manager Heatherly asks if Council can approve the draft RFQ in concept, not as worded because they will be adding some technical wording to it. Town Attorney Smiley advises we need a motion to direct the Town Manager to finalize and release the RFQ substantively within these parameters. Councilmember Hanson rescinds her motion and moves to let Joe do whatever he wants with this document and accept the concept and get it going. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members excused (Councilmembers Black and Castaneda). MOTION PASSED.

L. Information, discussion and possible action: To recess the regular meeting and hold an executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position in pending or contemplated litigation or in settlement discussion conducted regarding the sewer project.

Councilmember Medina moved recess into executive session. Seconded by Councilmember Hanson. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 excused (Councilmembers Black and Castaneda). 7:52 p.m

M. Reconvene from Executive Session. 5 members present and 2 excused (Councilmembers Black and Castaneda). 8:22 p.m.

N. Information, discussion and possible action: To give direction to Town staff regarding the sewer project.

No action taken on this item.

10. CALL TO THE COUNCIL: No response.

11. ADJOURNMENT:

Councilmember Medina moved to adjourn the meeting. Seconded by Councilmember Hanson. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members excused (Councilmembers Black and Castaneda). MOTION PASSED.

Meeting adjourned at 8:23 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular meeting of the Town Council of the Town of Miami, AZ held on the 26th day of September, 2016.

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

DATED this 10th day of October 2016.



Karen Norris, Town Clerk

APPROVED:



Don Reiman, Vice Mayor