



## MINUTES

### TOWN OF MIAMI

#### REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, OCTOBER 28, 2019 AT 6:30 PM

**1. CALL TO ORDER:**

Vice Mayor Gonzales calls the meeting to order at 6:30 p.m.

**2. PLEDGE OF ALLEGIANCE/INVOCATION:**

Vice Mayor Gonzales led the pledge of allegiance. Councilmember Medina led the invocation.

**3. ROLL CALL OF COUNCIL MEMBERS:**

**PRESENT:** Vice Mayor Gonzales, Councilmember Bringhurst, Councilmember Medina, Councilmember Moat and Councilmember Reiman.

**EXCUSED:** Mayor Dalley and Councilmember Black.

**STAFF PRESENT:** Town Manager Heatherly, Town Attorney Goodwin, Town Clerk Norris and Accountant Steele.

**4. CONSENT AGENDA:**

- A. Consideration and possible action to approve Minutes of the October 14, 2019 Regular Meeting.
- B. Consideration and possible action to approve the Town Payroll for October 20, 2019.
- C. Consideration and possible action to approve Red Ribbon Week Proclamation.

Councilmember Medina read aloud the Red Ribbon Week Proclamation. Councilmember Medina moved to approve the consent agenda. Seconded by Councilmember Bringhurst. Vice Mayor Gonzales calls for the vote. Vote – Mayor Dalley – excused, Vice Mayor Gonzales – yea, Councilmember Black – excused, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

**5. APPROVAL OF DEMANDS AND PRESENTATION OF BUDGET REPORTS:**

- A. Consideration and possible action to approve the General Demands for October 11, 2019 to October 24, 2019.

Councilmember Medina gives a brief explanation of the reimbursement to himself for purchase of the flags. Councilmember Medina and Mayor Dalley have been buying the flags for the Town but purchased these special flags, which are bigger and more expensive, for use at special events. Councilmember Reiman moved to approve the general demands for October 11, 2019 to October 24, 2019. Seconded by Councilmember Medina. Vice Mayor Gonzales calls for the vote. Vote – Mayor Dalley – excused, Vice Mayor Gonzales – yea, Councilmember Black –excused, Councilmember Bringham – yea, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

**Vice Mayor Gonzales recognizes Globe City Councilmember Freddy Rios and Justice of the Peace Jordan Reardon are present.**

**6. REPORTS / RECOGNITIONS:**

**A. Town Manager Reports.**

Town Manager Heatherly gives a brief report on the \$350,000.00 grant the Town received from ADOT. The grant is to replace 2 buses and a van. The Town has also budgeted for 1 additional bus. Reports on the retraining of Town staff in supervising DOC workers.

**B. Mayor/Council Reports.**

Councilmember Medina states that he is working diligently on the Veteran's Day Parade and event in the park. Comments on some attempted vandalism to the Bullion Plaza Museum flag pole. Announces Boomtown Spree is starting to roll again.

Councilmember Reiman comments on police activity today. He was headed to Walmart and noticed an officer had someone pulled over and on his way back from Walmart the officer had another car pulled over.

Vice Mayor Gonzales states that this is Globe/Miami Week and asks everyone to be on alert for vandalism. The Police Department is being proactive in patrols to help prevent property damage and vandalism. If you see something suspicious call the Police Department.

**7. CALL TO THE PUBLIC:**

Ms. Paula Horne, Deputy Director of the Gila County Health Department, and 2 students from the Anti-Tobacco Squad present Council with anti-tobacco "swag" bags in appreciation of their support of the Anti-Tobacco Club and Red Ribbon Week.

Mr. Freddy Rios, Arizona Water Company, comments on the challenges they went through during the construction of Phase 2 and Phases 3-5 of the sewer project. Congratulates Council and staff for the work they did to get the project completed. Mr. Rios states that KE&G did a phenomenal job keeping the project going forward in a timely manner. It was a daunting task and Town of Miami staff did a great job getting through it.

**8. UNFINISHED BUSINESS:**

**9. NEW BUSINESS:**

**A. Information and discussion only:** Presentation regarding Census 2020.

Ms. Havala Schumacher, Partnership Specialist, U.S. Census, gives this presentation to Council. Ms. Schumacher states that she is presenting herself as a resource as we move through the process of the 2020 Census. There are 155 days left until Census day. Ms. Schumacher gives a brief list of the Federal programs that are distributed to the states as a result of the census count. Ms. Schumacher comments on confidentiality and safety situation of the information they obtain. Shows Council what the 2020 Census form will look like. Explains that the 2020 Census website has a lot of information and resources if needed. Comments on where to direct people who have questions regarding the census and explains that they are being as transparent as possible. Brief discussion regarding the census takers going door to door. Explains that people can respond to the census online and by phone as well as filling out the form. Brief discussion regarding hiring people from the local community to perform census related jobs.

**B. Information and discussion only:** Update report on the Special Income Survey.

Ms. Tashiana Jerrols, Utility Coordinator, gives a progress update report on the Special Income Survey. Mr. Jerrols explains to Council why the Town needs to have this survey done. Staff has been trying to collect surveys for 4 months now. It has been difficult to get the residents to fill out the surveys because they do not want to give their information to the Town. It has been explained to them that the information is not going to the Town but to CAG so that they can re-evaluate our moderate income status. Mr. Alan Urban from CAG will be coming to Miami to help staff go out door to door to try and collect the required amount of surveys needed in order to do the reevaluation. Brief discussion regarding why staff is having trouble getting residents to complete the forms. It is explained that 250 surveys were sent out to random residents and CAG has only received 25 surveys back. Discussion regarding the timeline needed to get the surveys in. It is stated that they are needed by the end of November in order to apply for grants this year, if we do not get enough surveys, we will keep trying to get enough to apply for grants next year. Discussion and comments regarding the random selection of who to send surveys to and why it is done that way. It is explained that the Town cannot just pick who they want to fill out the surveys, that would be like "stacking the deck". So CAG had a computer generate the random residents who need to fill out the surveys. Discussion regarding that as of right now the Town of Miami does not qualify to apply for many low income grants. This survey would hopefully show that the Town is mostly low income residents and put us back in that range so that we can qualify for many other much needed grants. Open discussion and comments on how to get the message to the community of how important this survey is and how to get them to fill out the surveys.

**C. Information, discussion and possible action:** To approve Ordinance No. 366 declaring the document entitled "Town of Miami Video Services Regulatory Ordinance dated October 28, 2019" as a public record; adopting the "Town of Miami Video Services

Regulatory Ordinance Dated October 28, 2019”, amending the Town of Miami Town Code by adopting by reference a new Title 7 Video Services relating to the regulation of video services by the Town and the licensing of video service providers in the Town; establishing a purpose; setting forth definitions; providing for license requirements; imposing fees; setting forth violations; and establishing an effective date.

Town Attorney Goodwin explains that included in the Council packet is a summary of the legislation. Town Attorney Goodwin briefly reviews the legislation. Traditionally cities would negotiate long, lengthy licenses and that is no longer going to happen. Now for cable licensing, the cable company, between January 1, 2020 and June 30, 2020, will be able to terminate any existing cable licenses and take advantage of the new statute. It will be filed with the Clerk, it will never come to the Council for approval, and then the Town has 30 days to approve it. Cable licenses are good for 10 years and there is a maximum 5% of gross revenues license fee that the Town can adopt. The cable license will give the cable operator the ability to use public streets and roads for their commercial cable purposes. Vice Mayor Gonzales asks if this will affect our franchise fees. Town Attorney Goodwin states, yes, the current cable operator can opt for the new license or keep their current license. If the operator does not elect to terminate its license, its existing license will stay in effect until it ends and then it will fall under the new statute. Open discussion and comments regarding the 5% and the offsets of the 5%. Discussion and comments regarding the in kind contributions and what they are. Explanation and discussion regarding capital costs. Discussion regarding above ground and overhead lines and is there an appropriate requirement for this. Councilmember Medina moved to adopt the ordinance declaring the Town of Miami Video Services Regulatory Ordinance as a public record and to adopt it by the Town as the ordinance that regulates video services in the Town and excluding the option for undergrounding and including that it will be the Towns Engineering Department to administer the ordinance. Seconded by Councilmember Reiman. Vice Mayor Gonzales calls for the vote. Vote – Mayor Dalley – excused, Vice Mayor Gonzales – yea, Councilmember Black –excused, Councilmember Bringhurst – no vote, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

**D. Information, discussion and possible action:** To direct staff to post Notice of Intent to establish new license fee for video service providers pursuant to A.R.S. 9-499.15.

Councilmember Medina moved to give direction to staff to post Notice of Intent to establish new license fee for video service providers pursuant to A.R.S. 9-499.15. Seconded by Councilmember Reiman. Vice Mayor Gonzales calls for the vote. Vote – Mayor Dalley – excused, Vice Mayor Gonzales – yea, Councilmember Black –excused, Councilmember Bringhurst – no vote, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

**E. Information, discussion and possible action:** To give direction to staff to proceed with drafting an ordinance regarding restrictions on the discharge, concealment and handling of firearms within the Town of Miami limits.

Town Attorney Goodwin gives a brief history of this agenda item. Many cities and towns do have old ordinance regarding weapons within Town limits. Town Attorney Goodwin explains

that the States has preempted the Town in many, many ways because we are a gun right state. Town Attorney Goodwin states that there are some permissible things the Town can pass, and gives a couple of examples. Brief discussion as to why this item is on the agenda and what is it that staff asking Council to pass. Town Attorney Goodwin states that if Council wants to give direction to prepare the most restrictive ordinance you can under State law, she can do something like that. Brief discussion and comments regarding if there a lot of excessive discharge of weapons within the Town. Police Chief Thompson indicates that no, there has just been one incident where a resident had shot a dog that he felt was a danger to his child. Open discussion and comments regarding the State Statute regarding discharging a firearm. Discussion regarding the Town of Miami not having a weapons ordinance in place at all, and is it necessary to have one if we can fall under State Statute. Town Attorney reads the main prohibition of the State Statute aloud. Councilmember Reiman moved to table this pending a better definition of what it might involve ... (inaudible). No second to the motion. Brief discussion regarding if there is a need to pass something or just stay the same and fall under State Statute. No action taken on this item.

**F. Information, discussion and possible action:** To review and give direction to staff regarding the proposed remodel plans for the Town of Miami Council Chambers.

Mrs. Christine Duarte, Miami Police Department SSO, presents this request to Council. Mrs. Duarte explains that after much discussion staff is proposing to take out the carpet and polish the concrete, put in new carpet up where Council sits and along the ramp, refurbish the Council dais, paint the walls, update the sound system and mics and get new chairs for Council. Staff has researched costs for the proposed update and estimate it to cost about \$5,848.00 and that includes a \$500.00 cushion just in case of extra expenses. This does not include the audience seating, that is something we will look into doing in the near future. Councilmember Reiman states the Chambers were updated about 7 or 8 years ago, does not think we should do this when the roads are in such bad shape. Agrees that it needs to be done, but we do not have the money for it at this time. Vice Mayor Gonzales comments regarding the carpet and thinks we do need a new PA system in the Chambers. Councilmember Medina comments regarding sharing the Chambers with other entities and it would be nice to present a nice venue to share with them. Town Manager Heatherly comments on spending money on the Chambers, the Town has taken steps to make improvements in other areas of the town, we have to do something on our facilities as well; it is not entirely cosmetic. Brief discussion regarding the chairs for the audience. Discussion regarding the condition of the Town's streets and the money would be better spent improving the streets. Councilmember Moat agrees that there is a lot of work that needs to be done and the Town has made a lot of improvements on the streets and he feels the Chambers need improvements as well. Councilmember Medina moved to give direction to staff regarding the prosed remodel plans for the Town of Miami Council Chambers. Seconded by Councilmember Moat. Vice Mayor Gonzales calls for the vote. Vote – Mayor Dalley – excused, Vice Mayor Gonzales – nay, Councilmember Black –excused, Councilmember Bringhurst – nay, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – nay. MOTION DENIED.

**G. Information and discussion only:** Review and discussion regarding the Operating and Financial report for the month of September 2019.

Town Manager Heatherly briefly reviews the revenue report; we are currently at 32%. Brief review of the operating and grant expenditures. Town Manager Heatherly explains that the financial are continuing to improve but the Town needs to start in the direction of applying for grants to absorb some of the administration costs. Sewer project Phase 3-5 is essentially complete, just need to tie up a few loose ends. Reports on working with ADEQ to figure out what to do with the burned out buildings; will be bringing some proposed solutions to Council soon. Briefly reports on the ADOT Grant for the transit buses and van. Reports on some of the upcoming events that should be of help to the community. Brief update on the bio solid waste program.

**H. Information and discussion only:** Review and discussion regarding the Miami Wastewater Collection System Improvement Project Phase 2 and Phase 3-5.

Town Manager Heatherly states that he reported on the sewer project phases 3-5 just a moment ago. Reports that Council gave direction to staff at the last meeting regarding Phase 2 and there is nothing new to report on that yet.

**I. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application for Town of Miami, in the amount of \$24,206.28 for sewer project related expenses.

Councilmember Medina moved to approve, subject to funding agency concurrence, payment application for Town of Miami, in the amount of \$24,206.28 for sewer project related expenses. Seconded by Councilmember Reiman. Vice Mayor Gonzales calls for the vote. . Vote – Mayor Dalley – excused, Vice Mayor Gonzales – yea, Councilmember Black –excused, Councilmember Bringham – yea, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

**J. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application for KE&G, in the amount of \$743,960.55 for sewer project work completed.

Councilmember Medina moved to approve, subject to funding agency concurrence, payment application for KE&G, in the amount of \$743,960.55 for sewer project work completed. Seconded by Councilmember Reiman. Vice Mayor Gonzales calls for the vote. Vote – Mayor Dalley – excused, Vice Mayor Gonzales – yea, Councilmember Black –excused, Councilmember Bringham – yea, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

**K. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application for Hilgart Wilson, in the amount of \$39,236.60 for sewer project related expenses Phases 3-5 expenditures for HilgartWilson.

Town Manager Heatherly states this is the last contractual payment to HilgartWilson. Councilmember Medina moved to approve, subject to funding agency concurrence, payment application for Hilgart Wilson, in the amount of \$39,236.60 for sewer project related expenses Phases 3-5 expenditures for HilgartWilson. Seconded by Councilmember Reiman. Vice Mayor Gonzales calls for the vote. Vote – Mayor Dalley – excused, Vice Mayor Gonzales – yea, Councilmember Black –excused, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

**10. CALL TO THE COUNCIL:**

Councilmember Medina thanks everyone for coming to the meeting.

Vice Mayor Gonzales announces the Globe Miami football game this Friday at 7:00 p.m.

**11. ADJOURNMENT:**

Councilmember Medina moved to adjourn the meeting. Seconded by Councilmember Bringhurst. Vice Mayor Gonzales calls for the vote. Vote – Mayor Dalley – excused, Vice Mayor Gonzales – yea, Councilmember Black – excused, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

Meeting adjourned at 8:38 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 **28th** day of **October**, 2019.


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

DATED this **12th** day of **November** 2019.



Karen Norris, Town Clerk

**APPROVED:**



Sammy Gonzales, Vice Mayor