



MINUTES

TOWN OF MIAMI

REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, OCTOBER 10, 2022 AT 6:30 PM

1. CALL TO ORDER:

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

2. PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor Gonzales led the pledge of allegiance and Councilmember Medina gave the invocation.

3. ROLL CALL OF COUNCIL MEMBERS:

PRESENT: Mayor Gonzales, Vice Mayor Moat, Councilmember Black, Councilmember Licano, Councilmember Medina, Councilmember Reiman and Councilmember Sosh.

STAFF PRESENT: Town Attorney Estes, Town Manager Rivera, Town Clerk Norris and Finance Director Lopez.

Mayor Gonzales explains that it has come into question if the Town can have the meeting tonight due to it being a legal holiday. Town of Miami Town Code states:

2.04.040

REGULAR MEETINGS

The Council shall hold regular meetings on the second and fourth Monday of each month at six-thirty p.m., provided that when the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday. When deemed appropriate, any regular meeting date of the Council may be cancelled or rescheduled by the affirmative vote of a majority of the Council, except that at least 1 Regular meeting a month must be held, and that the notice of the cancelled or rescheduled meeting shall be given to the public as is reasonable and practicable under the circumstances. All regular meetings of the Council shall be held in the Miami Town Hall or such other place as the Council may designate. (Ord. No. 257 § 1, 1997; Ord. No. 347, 2016)

Town Attorney Estes explains that this does not designate which "law", such as, federal, state or local. His recommendation is that it should be looked at as local law. The Town does not take Columbus Day off as a local holiday. It is up to Council as to how they want to proceed. Council also has the option, if they deem it a federal holiday, per Town Code Section 2.04.120 that allows the Council to temporarily suspend the provisions of this Chapter by a recorded vote of $\frac{3}{4}$ of members present. Councilmember Licano moved to suspend and continue. Motion

seconded by Councilmember Medina. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Licano – aye, Councilmember Medina – aye, Councilmember Reiman – aye and Councilmember Sosh - aye. MOTION PASSED.

4. CONSENT AGENDA:

- A. Consideration and possible action to approve Minutes of September 26, 2022 Regular Meeting.
- B. Consideration and possible action to approve Town of Miami Payroll for September 18, 2022 and October 02, 2022.
- C. Consideration and possible action to approve Cities & Towns Week October 16-22, 2022 Proclamation.

Mayor Gonzales read aloud Cities and Towns Week Proclamation. Councilmember Sosh moved to approve the consent agenda; A-C. Motion seconded by Councilmember Black. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Licano – aye, Councilmember Medina – aye, Councilmember Reiman – aye and Councilmember Sosh - aye. MOTION PASSED.

5. APPROVAL OF DEMANDS AND PRESENTATION OF BUDGET REPORTS:

- A. Consideration and possible action to approve the General Demands for September 16, 2022 to September 29, 2022.

Councilmember Reiman moved to approve the demands for September 16, 2022 to September 29, 2022. Motion seconded by Councilmember Medina. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Licano – aye, Councilmember Medina – aye, Councilmember Reiman – aye and Councilmember Sosh - aye. MOTION PASSED.

6. REPORTS / RECOGNITIONS:

- A. Town Manager Reports.

Town Manager Rivera briefly reports on applying for 2 grants from FEMA – Department of Emergency Management – Building Resilient Infrastructure & Communities and Flood Mitigation Assistance. The grant applications are due by October 23rd.

- B. Mayor/Council Reports.

Councilmember Medina announces October 11th is the last day to register to vote. Mail ballots will be going out October 12th. Gives thanks to Town Manager Rivera for coming to the Senior Center and talking to the seniors and answering their questions. Reminds Council that they have left behind grandstanding and playing the gossip game on staff or the manager in public

on issues that can be handled by visiting with the manager and not directly with staff, and if necessary, can report on the outcome of the meeting.

Councilmember Black announces that he will be gone from Wednesday for a while. He will let staff know how long he will be out of town.

Mayor Gonzales comments on attending the 2nd Saturday this past weekend. There was a few vendors there, great music and the Y was open for a book signing and tours. Invites the public to come down to the Town's 2nd Saturday events.

7. CALL TO THE PUBLIC:

Mr. Chuck Broeder, Miami resident/business owner, reads a comment to Council on behalf of the Miami Business Coalition and C&C Auctions. Mr. Broeder comments on concerns that were expressed at the Business Coalition meeting regarding 2 items on the agenda this evening. Comments on their concerns with the process of hiring a police chief and concerns with the police department. Comments on their concerns with the liquor license application of Wild Horses Saloon. Mr. Broeder explains that the Coalition expresses the need to look to the future and only use the past experiences to learn from. Comments on concerns with enforcement of the curfew and noise laws in the Town.

Ms. Ana Ray, Miami resident and Miami Arts Commission member, updates Council on their previous plans for the Pumpkin Fest; they have postponed it this year. Reports on the Miami Arts Commission upcoming agenda and programs.

8. UNFINISHED BUSINESS:

- A. Information, discussion and possible action:** Review and approval of agreement with Moreton Capital Marketing L.L.C. and possible direction to staff to move forward with investing with Moreton Capital Marketing L.L.C.

Town Manager Rivera presents this item to Council and asks them to table this item as staff would like to do some further research and gather more information on it. Councilmember Medina moved to table this item until the first Council meeting in November. Motion seconded by Councilmember Black. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Licano – aye, Councilmember Medina – aye, Councilmember Reiman – aye and Councilmember Sosh - aye. MOTION PASSED – ITEM TABLED.

- B. Information, discussion and possible action:** To approve a) renewal of Bullion Plaza Gym Management Agreement with Miami Genesis Inc. or b) direction to staff to move forward with submitting RFP (Request for Proposals) to the public for purposes of Bullion Plaza Gym management services or c) direction to Town staff to assume all aspects of Bullion Plaza Gym management services.

Town Manager Rivera presents this item to Council and states that Council had an in-depth discussion at the work session of October 6th. Councilmember Sosh comments that there has been a lot of discussion regarding all the things Miami Genesis do for the kids, but wants to know what that has to do with the staffing of the Gym. Ms. Susan Hanson of Miami Genesis explains what Miami Genesis does for the Town of Miami and the kids of Miami; also explains that the money they receive for the gym management services goes 100% back to those programs; members of Miami Genesis are all volunteers and do not get paid for the work they do. Ms. Hanson explains that Miami Genesis has paid for several repairs and improvements at the gym. Mayor Gonzales reminds everyone that the gym was build/remodeled for the kids and youth sports of Miami, not to be a meeting and party venue. Ms. Hanson states that she agrees and that Miami Genesis was very instrumental in the gym refurbish project and that is why they want to keep the gym up and in good repair. Councilmember Reiman moved to approve renewal of Bullion Plaza Gym Management Agreement with Miami Genesis Inc. Motion seconded by Councilmember Licano. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Licano – aye, Councilmember Medina – aye, Councilmember Reiman – aye and Councilmember Sosh – aye. MOTION PASSED.

C. Information, discussion and possible action: Direction to staff regarding process of hiring an interim and/or permanent Chief of Police.

Town Manager Rivera presents this to Council explaining that Council has discussed this item at length in the work session of October 6th. Mayor Gonzales states that Detective Murtha and Sergeant Guerrero have both expressed to him that they are not interested in taking the Interim position. If Council is going to search for an Interim Police Chief, they should just move forward with the recruiting process for a permanent Police Chief. Brief discussion regarding the Police Department operating without a Chief right now. It is clarified that Sergeant Guerrero is next in command, but does not want to be the Interim for the 18-month proposed period. Councilmember Sosh moved to get the process started for hiring a Police Chief. Motion seconded by Councilmember Medina. Town Attorney Estes asks for clarification on the motion because Council has talked about the process of who hires the Police Chief, who fires the Police Chief and at who's direction the Chief will work under. Councilmember Black feels the Council should hire the Police Chief. Councilmember Medina feels the process should be left as it is. Open discussion and comments regarding the hiring of a Police Chief. Discussion regarding Council hiring the Police Chief and he will work under the direction of the Town Manager and the Town Manager will also have the authority to terminate if need be. Councilmember Reiman states that he would like to leave the hiring with the Town Manager, with the approval of the Council. Discussion regarding how hiring of a Police Chief is defined in the Miami Town Code. This section of the Town Code is very old and needs to be updated. The Council can direct the Town Manager to initiate the process and not hire without the approval of Council, as well as, move forward with the process updating the Town Code. Councilmember Sosh amended his motion to state – to direct the Town Manager to initiate the hiring process but not hire the candidate without the approval of the Town Council. Amended motion seconded by Councilmember Black. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Licano –

aye, Councilmember Medina – aye, Councilmember Reiman – aye and Councilmember Sosh - aye. MOTION PASSED.

9. NEW BUSINESS:

A. Information, discussion and possible action: Presentation by PHI Cares regarding Emergency Air Medical Membership Proposal and possible approval of such proposal.

Jillian Manley and Louise Sandoval, with PHI CARES, present this proposal to Council. Ms. Sandoval explains that they are offering membership in the PHI CARES membership program. They provide medically necessary emergency air medical transportation services. The membership covers the uninsured or otherwise uncovered portion of the flight charges which may be incurred by members requiring medically necessary emergency air medical transportation on a PHI aircraft. They are offering the service at a special rate to cover the incorporated Town of Miami residents through the PHI CARES program. In the event a qualified resident of the Town of Miami is transported from the Town of Miami or Gila County by PHI Air Medical, they will not have any out-of-pocket expenses for their PHI Air Medical transport. The Town membership will cover all of the out-of-pocket air medical expenses for a resident's PHI Air Medical transport. The annual membership fee for 746 households and the household dependents of these residents will be \$7.00 per household per year for a total of \$5,222.00. This is an annual fee, with no monthly charges, sign-up fees, or additional taxes. Ms. Sandoval comments briefly on the air medical industry overview. The number of residents of the Town of Miami came from an address roster proved to them by the Town of Miami. It is noted that if anyone is flown and they have a Town of Miami address, they are covered. Ms. Manley explains how they will help communicate the new air townwide medical benefit to residents; through press releases and graphics and digital flyers provided to the Town and local press. Membership cards will also be available at the Miami Townhall. Brief discussion regarding how a person would request PHI if they are in need of air transport service. PHI does service Cobre Valley Medical Center. Residents will also have the option to upgrade their membership to cover outside of Town of Miami or Gila County for a minimal yearly fee. Brief discussion regarding this not being a budgeted item, but the Town may be able to find the funds since it is a minimal amount. Councilmember Black comments that there is not a whole lot the Town can provide to every citizen of the Town and would like to give this service to the residents. Councilmember Black moved to have the Town Manager look into finances and sign the Town up for the membership for this program. Motion seconded by Councilmember Sosh. Mayor Gonzales asks how far do they transport patients. It is stated they transport to the closest most appropriate facility and that would be determined by the need of the patient and hospital availability. Mayor Gonzales asks if residents can have their membership put in their files at the Cobre Valley Medical Center so that they would know to use PHI if they do need air transport. It is stated that they can meet with the hospital director and let them know that both Globe and Miami residents participate in the PHI city-wide coverage. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Licano – aye, Councilmember Medina – aye, Councilmember Reiman – aye and Councilmember Sosh - aye. MOTION PASSED.

B. Information, discussion and possible action: Presentation of Town of Miami branding logo, approval of logo and authorization to utilize it in any event and media platforms to promote the Town of Miami.

Town Manager Rivera presents this to Council stating that this was a project started by the previous Town Manager, working with Arizona Local First, to design and create a branding logo for the Town. Mayor Gonzales gave a brief overview of how this came to be. Brief discussion regarding the proposed logo. Town Manager Rivera explains what the logo represents. The "Ms" in the logo represent the heritage from Mexico, the logo also contains the smelter, headframe and saguaro and colors represent Arizona and Miami. Mr. Phil Stewart, local business owner, states he was part of the original group when they started working on this project and explains how they came up with the brand. It is a nice logo but it is lacking a "message". Brief discussion regarding the group of people who was working on the branding. Town Manager Rivera explains that he was given just 2 proofs to review and pick and this is the one he presented to Council. Councilmember Black suggests moving into the next phase of the branding process, when they decide on a concept that the group feels will go good with the businesses and the Town, bring it back to Council. Mayor Gonzales states there is no rush on this and wants to make sure it is done right. Councilmember Licano states that the Mexican culture is not the only culture that built this town, the Slavic culture should be included as well. Open discussion and comments regarding the proposed branding and logo. Councilmember Black moved to direct staff to move forward, along with the group that started this, ask them if they will (inaudible) be involved with this and move forward from there. Motion seconded by Councilmember Sosh. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Licano – aye, Councilmember Medina – aye, Councilmember Reiman – aye and Councilmember Sosh - aye. MOTION PASSED.

C. Public Hearing, discussion and action: To conduct public hearing and consider approval of a Series 006 (bar) Liquor License Application for Jeffrey Craig Miller, Wild Horses Saloon & Grill (William Clemmens and Roxanne Hadley, Owners), located at 416 Sullivan Street:

1. Open Public Hearing – Mayor Gonzales. **8:01 p.m.**
2. Open discussion and public comments regarding Liquor License Application for Wild Horses Saloon & Grill.

Mr. Phil Stewart, local business owner, states he is here representing the Miami Merchants Coalition. Mr. Stewart comments that the Miami Merchants Coalition have concerns regarding the Application for Series 006 liquor license application that they would like to express to Council. 1) What will the owners do to prevent public displays of drunkenness, profanity? 2) What are the proposed hours of operation? 3) Have the owners applied for a Town of Miami business license? 4) Have inspections been made of the building to ensure safety to occupants and the community? 5) Has proof of insurance been submitted to the Town? 6) Does the Town have the law enforcement resources to respond to any requests for service if the need arises? They understand that the owners have the right to use their buildings to generate revenue. The Miami Merchants Coalition

is not disputing that. They are concerned that this and any other businesses would operate in a professional manner to promote a safe downtown experience. The Miami Merchants Coalition requested Council to table this liquor license request until the applicants can answer these questions at a future Council meeting.

Mr. Phil Stewart reads aloud a letter of from Mr. Richard Baker opposing the approval of this liquor license application and explaining why he is opposed to its approval.

Mr. Jeff Miller, Arizona Liquor Industry Consultants, agent for the Wild Horses Saloon and Grill. Mr. Miller states that he was at the business location today and has seen the upgrades they have been making to the building. Mr. Miller comments on what needs to be considered when an application like this comes through. Mr. Miller explains what the State looks at when considering the application for approval. This is the same license that has been there for years, and the owners currently have an interim license for this location. There are only 3 recommendations the Town Council can make; recommend approval, denial and no recommendation at all. They are asking Council to recommend approval. Mr. Miller comments that the owners are working with the local health department to be able to sell food and drinks at the location. The hours of operation are dictated by the State; can start serving at 6:00 a.m. and stop serving at 2:00 a.m. and finish consumption by 2:30 a.m. There are laws that dictate how they are to control public intoxication; the owners have completed the training for that.

Mr. RD Field, Claypool resident, comments regarding being at the bar recently as they are preparing it for operation and he was very impressed with what they are doing there.

Mr. James Profit, Miami resident, comments regarding noticing the bar brings in tourists, people looking for antiques and places to eat. Comments on the current owners and what they did for their customers and their safety when they previously owned the establishment. He states that he had never seen any of the negative activity that was stated in Mr. Baker's letter to the Council. He feels it is good for Miami and the people who live here.

Mr. Ray James, Concho resident, states he is a local business owner and patrons the bar. Likes the karaoke and feels it is a family bar. It is a mellow atmosphere and the people are under control and respectful. The owners are respectful as well.

Mr. Chuck Broeder, Miami resident/business owner, comments that he sees opportunity with the bar, but has seen bad behavior with the patrons and does not think it has anything to do with the ownership but the local law enforcement. Comments on some experiences he has had while walking past the bar. He has no objection with them opening the bar, the Town needs to take responsibility and make sure the laws are enforced.

3. Close Public Hearing – Mayor Gonzales. 8:22 p.m.

4. Council discussion, motion and action.

Councilmember Black comments that he has helped the business owners finish up their restroom repairs and it is a quite atmosphere. He feels Council should not deny the application. Brief comments and discussion regarding the previous owners. It is stated that it appeared they ran it as a biker bar. Brief discussion regarding the business license for the bar. It is clarified that the Town Council does not approve/disapprove business licenses, that is handled through staff. Comments regarding the noise from the bar and the Town's noise law. Discussion regarding taking a look at past police activity to see how many calls/incidents they have been called to at that location. Mr. Miller explains that when he reviewed the file for that establishment there were no noted violations. Council can recommend approval, denial or no recommendation at all. That will go to the Department of Liquor and they ultimately have the final decision. If the local body recommends a denial, they will set up a hearing in front of the Liquor Board and the Town Attorney will appear before the Liquor Board and present why that license should not be issued. The owners currently have an interim license but are not currently operating. Brief discussion with Mr. Miller on why some liquor licenses may be denied. Discussion regarding tax debt and how that affects the liquor license application approval or denial. Discussion regarding acts of violence and if they are reported to the Liquor Board. Mr. Miller explains that they are either reported to the local police or to the Liquor Board. Councilmember Medina moved to approve Series 006 (bar) Liquor License Application for Jeffrey Craig Miller, Wild Horses Saloon & Grill (William Clemmens and Roxanne Hadley, Owners), located at 416 Sullivan Street. Motion seconded by Councilmember Black. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Licano – aye, Councilmember Medina – aye, Councilmember Reiman – nay and Councilmember Sosh - abstained. MOTION PASSED.

D. Information, discussion and possible action: Possible approval of Ordinance No. 391, amending Title 5 Business License and Regulations, by adding Chapter 5.17 Commercial Motion Picture and Television Production Permits and providing for repeal of conflicting ordinances; and providing for severability.

Town Clerk Norris presents Ordinance No. 391 to Council. Town Clerk Norris explains that a Councilmember had asked if she could draft an ordinance regarding filming permits, for Council to review. She has provided a draft ordinance for Council's review, as well as a filming permit application. It has been reviewed by the Town Attorney. The ordinance is written as a no-fee filming permit application. Councilmember Black moved to approve Ordinance No. 391, amending Title 5 Business License and Regulations, by adding Chapter 5.17 Commercial Motion Picture and Television Production Permits and providing for repeal of conflicting ordinances; and providing for severability. Motion seconded by Councilmember Medina. Mayor Gonzales calls for a roll call vote. Vote – Mayor Gonzales – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Licano – aye, Councilmember Medina – aye, Councilmember Reiman – aye and Councilmember Sosh - aye. MOTION PASSED.

E. Information, discussion and possible action: Possible action to enter into executive session pursuant to A.R.S. §38-431.03 (a)(3)(4) for discussion or consultation with the attorney of the public body in order to consider its position and instruct its attorneys

regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation regarding Joseph Heatherly v. Town of Miami.

Councilmember Black moved to convene into executive session. Motion seconded by Councilmember Medina. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Licano – aye, Councilmember Medina – aye, Councilmember Reiman – aye and Councilmember Sosh - aye. MOTION PASSED. 9:00 p.m.

Councilmember Medina moved to reconvene from executive session. Motion seconded by Councilmember Black. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Licano – aye, Councilmember Medina – aye, Councilmember Reiman – aye and Councilmember Sosh - aye. MOTION PASSED. 9:35 p.m.

10. CALL TO THE COUNCIL:

Councilmember Medina thanks the public for attending the meeting this evening.

11. ADJOURNMENT:

Councilmember Black moved to adjourn the meeting. Motion seconded by Vice Mayor Moat. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Licano – aye, Councilmember Medina – aye, Councilmember Reiman – aye and Councilmember Sosh - aye. MOTION PASSED.

Meeting adjourned at 9:35 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 10th day of October, 2022.

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

DATED this 24th day of October, 2022.



Karen Norris, Town Clerk

APPROVED:


Sammy Gonzales, Mayor