



## MINUTES

### TOWN OF MIAMI

#### REGULAR MEETING & PUBLIC HEARING & SPECIAL MEETING OF THE MAYOR AND COUNCIL MONDAY, JUNE 24, 2024 AT 6:30 PM

**1. CALL TO ORDER:**

Mayor Medina called the meeting to order at 6:30 p.m.

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

Vice Mayor Moat led the pledge of allegiance and Mr. Chuck Broeder gave the invocation. There is a moment of silence in honor of the passing of Mr. Tom Foster.

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

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

**EXCUSED:** Councilmember Gonzales and Councilmember Licano.

**STAFF PRESENT:** Town Attorney Estes, Town Manager Rivera, Town Clerk Norris, Finance Director Lopez, Community Services Director Duarte, Economic Development Director Vargas and Public Works Director Derhammer.

**4. CONSENT AGENDA:**

- A. Consideration and possible action to approve Minutes of June 10, 2024 Regular Meeting and Public Hearing.
- B. Consideration and possible action to approve Town of Miami Payroll for June 9, 2024.

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

**5. COMMITTEE REPORTS AND GENERAL DEMANDS:**

- A. Consideration and possible action to approve the General Demands for May 31, 2024 to June 13, 2024.

Councilmember Sosh moved to approve the demands for May 31, 2024 to June 13, 2024. Motion seconded by Councilmember Black. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – excused, Councilmember Licano – excused, Councilmember Reiman – aye and Councilmember Sosh – aye. MOTION PASSED.

## **6. REPORTS / RECOGNITIONS:**

### **A. Town Manager Reports.**

Town Manager Rivera informs Council he does not have a report prepared at this time but will have some upcoming financial reports soon. Town Manager Rivera gives recognition to the Senior Center staff for cleaning up various streets in town. Gives thanks to Public Works for cleaning up and fixing the fence at the Schwarz Lumber burn site. Gives a brief update of the timeline of cleaning up that burn site.

### **B. Mayor/Council Reports.**

Mayor Medina comments on attending a meeting with Town Manager Rivera in Eloy. Announces the USDA loan and grant application program will start July 24<sup>th</sup> and 25<sup>th</sup>. Comments briefly on the flags being at half-staff.

Vice Mayor Moat comments on the opening of the Hostetler swimming pool. Comments on El Rey Miami wanting to help with “diving for coins” and had a donation jar to collect coins for the kids to dive for when the pool opens. Vice Mayor Moat states he had a poster in the restaurant and had to take it down until we know when the pool is going to open. Comments that he also bought 50 pairs of goggles to give to the kids to wear in the pool.

## **7. CALL TO THE PUBLIC:**

Mr. Gil Madrid, Miami resident, comments on the Schwarz Lumber area clean up and possibility of hazardous material. He was told that there was no hazardous material there.

Mr. Ray Webb, Miami resident, questions why the Town has not put up a “no weapons allowed” sign on the Council Chambers yet. Comments that pre-pandemic, there was a movie filmed here in the Globe and Miami area call Patsy lee and the Keeper of the 5 Kingdoms, it is now streaming on Amazon.

Mr. Jesse Bryant, Globe resident, gives a brief update on the Independence Day Events. Comments that the Liberty Dinner location has changed; will be held at the Elks Lodge and they still have tickets available.

Mr. Phil Stewart, Miami business owner, thanks the Town for their support in light of the passing of Mr. Tom Foster. Mr. Stewart invites everyone to join them on June 28<sup>th</sup> at 8:00 p.m. at the Bullion Plaza Museum, for a candle light vigil in honor of Mr. Tom Foster.

## 8. UNFINISHED BUSINESS:

- A. Information, discussion and possible action:** Possible approval of State of Arizona, Department of Transportation and Town of Miami Intergovernmental Agreement (IGA) for the "Transportation Alternative Grant" the Town of Miami was awarded for the study of a trail system from Miami Unified School District to Bullion Plaza.

Mrs. Evelyn Vargas, Economic Development Director, presents this item to Council and introduces Mr. Will Randolph, Regional Transportation Planner for ADOT (via Zoom). Mrs. Vargas states that ADOT has awarded the Town of Miami \$146,167.00 for the study phase of the "Miami Trail System" which will extend from Miami Unified School District to Bullion Plaza. Hearts of Miami Engaged (HOME) added funds to the grant in the amount of \$8,833.00. Mrs. Vargas gives an overview of the Scope of Work for the study. Project management, public involvement plan, inventory of existing conditions, forecast of future conditions, evaluation of options and final report. Brief discussion regarding this being just the study phase for the trail project. Discussion regarding the IGA containing language regarding "overages". It is explained that there is wording in the IGA that addresses "overages". It is explained that it is provided for in the IGA that if the Town is reaching the funding limit, they have the option to stop before actually going over the approved funding. Mayor Medina moves to approve State of Arizona, Department of Transportation and Town of Miami Intergovernmental Agreement (IGA) for the "Transportation Alternative Grant" the Town of Miami was awarded for the study of a trail system from Miami Unified School District to Bullion Plaza. Motion seconded by Councilmember Sosh. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – excused, Councilmember Licano – excused, Councilmember Reiman – aye and Councilmember Sosh – aye. MOTION PASSED.

## 9. NEW BUSINESS:

- A. Information, discussion and possible action:** Possible approval of ratification of Contract #019-0253, Amendment #8 in the amount of \$95,150.00 for FY 2023/2024 between the Town of Miami and Pinal Gila Council for Senior Citizens for Congregate Meals, Home Delivered Meals and Transportation Services and approval of Van Lease Agreement addendum to Contract No. 019-0253 Amendment No. 8 with Pinal-Gila Council for Senior Citizens; from July 1, 2023 through June 30, 2024.

Mrs. Christine Duarte, Community Services Director, explains that this item is for FY 2023/2024, Senior Center funding and Van Lease Agreement. This should have come before Council this time last year but was somehow overlooked. The FY 2024/2025 funding agreement process has started and that is when it was discovered that Council had not formally approved the funding agreement for FY 2023/2024. Councilmember Reiman moved to ratify Contract #019-0253, Amendment #8 in the amount of \$95,150.00 for FY 2023/2024. Motion seconded by Vice Mayor Moat. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – excused, Councilmember Licano – excused, Councilmember Reiman – aye and Councilmember Sosh – aye. MOTION PASSED.

**B. Information, discussion and possible action:** Possible approval to enter into the Kroger Settlement Agreement (national opioid settlement agreement) by authorizing Town staff to submit the Participation Form releasing all claims against Kroger in exchange for opioid-remediation monies. The Council may vote to discuss this matter in executive session pursuant to A.R.S. § 38-431.03 (A)(3) and (4).

Town Attorney Estes states he does not think Council will need to go into executive session on this item unless they need legal advice. This settlement agreement is just like the other settlement agreements we have previously approved. The Town will receive the payments and the payments will be restricted as to use. Mayor Medina moved to approve Kroger Settlement Agreement (national opioid settlement agreement) by authorizing Town staff to submit the Participation Form releasing all claims against Kroger in exchange for opioid-remediation monies. Motion seconded by Councilmember Black. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – excused, Councilmember Licano – excused, Councilmember Reiman – aye and Councilmember Sosh - aye. MOTION PASSED.

**C. Information, discussion and possible action:** Possible approval of Resolution No. 1302, approving the amendments to the Rural Arizona Group Health Trust Agreement and Declaration of Trust, dated July 1, 2012.

Town Clerk Norris presents this resolution to Council and explains that the purpose of the amendment is to address the fact that the Trust does not have a Principal Office and that the best way to obtain documents is to contact the Trust Administrator, currently Gallagher Benefits Services and to delete the reference to a Principal Office but will still inform where the documents for the Trust may be obtained. Councilmember Sosh moved to approve Resolution No. 1302, approving the amendments to the Rural Arizona Group Health Trust Agreement and Declaration of Trust, dated July 1, 2012. Motion seconded by Councilmember Reiman. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – excused, Councilmember Licano – excused, Councilmember Reiman – aye and Councilmember Sosh - aye. MOTION PASSED.

**D. Information, discussion and possible action:** To hold a public hearing on Resolution No. 1301, a resolution of the Common Council of the Town of Miami proposing an alternative expenditure limitation (Home Rule Option) and submitting the proposal to the qualified voters of the Town of Miami at the November 5, 2024 General Election. NOTE: This is the second of two required public hearings on this matter:

- a) Open Public Hearing – Mayor Medina. **7:40 p.m.**
- b) Public comments and open discussion regarding proposing an alternative expenditure limitation (home rule) and submitting the issue to the qualified voters of the Town of Miami.

Town Attorney Estes briefly explains what Home Rule is and why it needs to be referred to the voters of Miami. Mr. Gil Madrid, Miami resident, questions why not raise the limitation permanently. It is explained that the four-year period is a statutory requirement and comments

on the Permanent Base Adjustment option. Mrs. Evelyn Vargas asked what can the Town of Miami do, legally, to educate the public on the Home Rule Question.

c) Close Public Hearing – Mayor Medina. 7:52 p.m.

**E. Information, discussion and possible action: To recess the regular meeting and convene into Special meeting.**

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

**a) Discussion and possible approval of Resolution No. 1301 proposing an alternative expenditure limitation and referring it to the voters of the Town of Miami.**

Councilmember Reiman moved to approve Resolution No. 1301 proposing an alternative expenditure limitation and referring it to the voters of the Town of Miami. Motion seconded by Councilmember Black. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – excused, Councilmember Licano – excused, Councilmember Reiman – aye and Councilmember Sosh - aye. MOTION PASSED.

**b) Close Special Meeting.**

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

**Reconvene Regular Meeting**

**F. Information, discussion and possible action: Possible action to accept the resignation of Councilmember Licano**

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

**Mayor Medina states that without objection he would like to move Item 9-G to the last item on the agenda. No objections declared.**

**G. Information, discussion and possible action:** Possible action to determine the process to fill the vacancy of Councilmember Licano until the November 2024 election. The Council may vote to discuss this matter in executive session pursuant to A.R.S. § 38-431.03 (A)(3).

Councilmember Black moved to adjourn into executive session. Motion seconded by Councilmember Sosh. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – excused, Councilmember Reiman – aye, Councilmember Sosh – aye and one vacant seat. MOTION PASSED. 9:07 p.m.

Councilmember Black moved to adjourn executive session and return to the regular meeting. Motion seconded by Councilmember Sosh. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – excused, Councilmember Reiman – aye, Councilmember Sosh – aye and one vacant seat. MOTION PASSED. 9:32 p.m.

NO ACTION TAKEN ON THIS ITEM.

**H. Information and discussion only:** Town Manager update report regarding Inspiration School Project and presentation of Inspiration School Project by Chicanos Por La Causa (CPLC).

Mrs. Sherrey Dorathy of the Miami School District is present, as well as representatives of Chicanos Por La Cause (CPLC). Town Manager Rivera states that he has provided a packet of information regarding concerns with the Inspiration Housing Project. Town Manager Rivera addresses the issue concerning the condition of the roads. Councilmember Sosh states his concern with them wanting to use Adonis Avenue as their route to the project site; there are a lot of older people that live on Adonis and he feels it isn't fair to have concrete and asphalt trucks going up and down that street at 4:00 a.m. Councilmember Sosh states he would like them to consider moving trucks around 6:00/6:30 a.m. Discussion regarding possibly adding something to the agreement that any damage caused to the roads be repaired by them. Mayor Medina comments that he would like to know the timeline of the project schedule. Mr. Gil Madrid, Miami resident, comments on the safety of equipment moving up and down the hill and the safety of the homes in that area. Mr. Madrid comments on the parking issue in that area.

**I. Information and discussion only:** Hostetler Pool Project progress report and presentation of Project progress by Aquavida Pools.

Mr. Thomas Lopez of Aquavida Pools is present to give a pool project report. Mr. Lopez comments on the initial scope of work for this project. Mr. Lopez details some of the problematic issues they ran into once they started the project. There were several serious plumbing issues once they got in there and opened the pool up. Mr. Lopez explains what they had to do to repair the plumbing problems, which were outside the initial scope of the project. Currently waiting to hear about the special pumps needed to move forward with completion of the project. Mr. Lopez comments on the installation of an automatic leveler and lights inside

the pool. As of tonight, he cannot give a projected completion date. Mr. Gil Madrid, Miami resident, comments on the cross beams in the vault and the condition of those beams. Mr. Lopez comments that they may need to find a remote location for the filters as the vault may not be a safe place for them. Mr. Lopez apologizes that he will not have the pool ready by July 4<sup>th</sup>, there are a lot of things going on behind the scenes and he wants to make sure this job is done correctly and that Miami has a good pool, that is working correctly.

**J. Information, discussion and possible action:** Possible approval of Ordinance No. 394, declaring certain Town-owned right-of-way and real property surplus for Town use and authorizing the abandonment of a right-of-way on S. Wentworth Ave. together with parcels along Rose Road to the adjacent property owner pursuant to A.R.S. §28-7205, in exchange for the issuance of a sewer line easement in favor of the Town, authorizing the taking of all other actions necessary for the consummation of the transaction contemplated by this ordinance; and providing for severability.

Town Attorney Estes comments on the exact location of the abandonment and easement being given. Town Attorney Estes states that because we do not have the specific details of all the legal description including utilities, he drafted the ordinance to read that there will be an abandonment of the right of way and the parcels along Rose Road in exchange for the issuance of a sewer easement in favor of the Town and maintaining existing utility easements in the area to be abandoned. That means we are abandoning that but they still have to provide those utility easements. Brief discussion regarding giving away Town property without compensation. Town Attorney Estes explains the Town is gaining putting property back into the tax rolls that is currently not taxed. Mr. Freddy Rios, Arizona Water Company, Division Manager discusses his concern with this abandonment and would like to have a conversation with the Town regarding his concerns. Town Attorney Estes explains that this ordinance authorizes the beginning of the process. The area does not get abandoned until we have the details, the legal descriptions and easement details and what can and cannot be constructed in an easement. All those will be needed before the abandonment is recorded. Mrs. Sherrey Dorathy of the Miami School District comments briefly on the waterline concerns and feels the water easement is very important and will make sure it stays in the easement. Councilmember Sosh moved to approve Ordinance No. 394, declaring certain Town-owned right-of-way and real property surplus for Town use and authorizing the abandonment of a right-of-way on S. Wentworth Ave. together with parcels along Rose Road to the adjacent property owner pursuant to A.R.S. §28-7205, in exchange for the issuance of a sewer line easement in favor of the Town, authorizing the taking of all other actions necessary for the consummation of the transaction contemplated by this ordinance; and providing for severability. Motion seconded by Mayor Medina. Mayor Medina calls for a roll call vote. Vote – Mayor Medina – aye, Vice Mayor Moat – aye, Councilmember Black – aye, Councilmember Gonzales – excused, Councilmember Reiman – aye, Councilmember Sosh – aye and one vacant seat. MOTION PASSED.

## **10. CALL TO THE COUNCIL/FUTURE AGENDA ITEMS:**

Mayor Medina thanks the public for attending the meeting.

**11. ADJOURNMENT:**

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

Meeting adjourned at 9:34 p.m.

**CERTIFICATION:**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular meeting, Public Hearing and Special meeting of the Town Council of the Town of Miami, AZ held on the 24<sup>th</sup> day of June, 2024.

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

DATED this 8<sup>th</sup> day of July, 2024.

\_\_\_\_\_  
Karen Norris, Town Clerk

**APPROVED:**

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Jose "Angel" Medina Sr., Mayor