

Minutes
Town of Clifton
Regular Town Council Meeting
April 12, 2018
7:00 P.M.

Members Present

Luis Montoya, Vice Mayor
Barbara Ahmann, Councilmember
Laura Dorrell, Councilmember
Ray Lorenzo, Councilmember
B. Waddell Reyes, Councilmember
Ray West, Councilmember
Vacant Seat, Mayor

Call to Order: The meeting was called to order by Vice-Mayor Luis Montoya followed by the Pledge of Allegiance. At this time, Vice-Mayor Montoya requested a moment of silence to observe the recent passing of Mayor Felix Callicotte who had been in failing health in recent months.

Public Hearing Alternative Expenditure Limitation – Home Rule Option: Town Clerk, Espie Castaneda provided a power point presentation on the Alternative Expenditure Limitation Options with a focus on the Home Rule Option. If the Home Rule Option will be pursued Council will decide whether to present this option to the voters at the town's next primary election scheduled for August 28, 2018. She mentioned that this hearing was the second hearing as required in the process.

Details were provided to include history of its implementation by the voters of the State of Arizona in 1980. Financial analysis forecasting town budgets for the next four years was also presented utilizing the state- imposed limit calculation. Additionally, as a comparison, a similar analysis was provided based on the towns future needs and infrastructure plans which include a major Waste Water Treatment Plant Improvement Project. It was noted that the inclusion of the funding for the WWTP would far exceed the budget amount presented in the state-imposed limit.

It was mentioned that historically, the Town of Clifton has presented the Home Rule Option to the voters since its inception. This option gives the town local control to establish their own expenditure limitation based on the needs of the town. The approval of the Home Rule Option is simply a control of establishing a spending limit to be determined by each approved budget in each fiscal year.

Call to the Public: Daniel Cervantez commended the town of purchasing the electronic marquee. He explained that it has become a focal point of the community, in particular when anyone may want to offer special messages to family and friends.

Walt Mares relayed gratitude expressed by Dr. Woodall, Superintendent of Morenci Unified School District, for the town's recent action to adopt Resolution No. 2018-03, supporting educational funding issues currently facing schools.

Council Reports: Councilmember B. Waddell Reyes provided information in recent cell phone scams.

Councilmember Ahmann reported that she and Councilmember Reyes had toured the public restrooms at the Fernandez Park which have recently been upgraded to ADA compliance as funded by the Arizona Community Foundation.

Councilmember Dorrell reported on notable events to include the Greenlee County Spring Rumpage which incorporates the Javelina Chase and the Health Fair.

Vice-Mayor Montoya reported that he had attended the P3 Water Summit with the financial support from Freeport McMoRan. The Vice-Mayor expressed his gratitude for their generosity.

Consent Agenda: Motion to approve the following items listed under consent agenda was made by Councilmember Ray West:

1. Approval of the March 8, 2018 Regular Meeting Minutes; March 14 & March 20 Special Meeting Minutes;
2. Receive Department Reports;
3. Approval of March 2018 Demands.

Second to the motion was made by Councilmember Laura Dorrell. Motion carried.

New Business

Discussion and/or action to adopt Resolution No. 2018-05: A Resolution Proposing an Extension of the Alternative Expenditure Limitation: Motion to adopt Resolution No. 2018-05 proposing an extension of the Alternative Expenditure Limitation was made by Councilmember Barbara Ahmann. Second to the motion was made by Councilmember Ray West.

Voting in favor of the motion were Councilmembers Ahmann, West, Dorrell, Montoya, Lorenzo and Reyes. There was no opposition to the motion. Motion carried.

Nominations to fill the office of Mayor – Town Code §30.025: Vice-Mayor Montoya explained that due to the recent loss of Mayor Callicotte, Town Code provided guidance to fill the office of Mayor.

Nominations for Mayor: Town Clerk, Esperanza Castaneda explained the nominating procedures for the office of Mayor.

The Clerk continued the process by calling for nominations.

Councilmember Barbara Ahmann nominated Barbara Reyes for Mayor.

Councilmember Laura Dorrell nominated Luis Montoya for Mayor.

There being no further nominations, Councilmember West made a motion to close the nominations. Motion was seconded by Council member Reyes. Motion carried.

The Clerk polled the Council as to the candidate of their choice and the results were as follows:

Voting in favor of Councilmember Reyes for Mayor were Councilmembers Ahmann and Reyes.

Voting in favor of Councilmember Montoya for Mayor were Councilmembers West, Dorrell, Lorenzo and Montoya.

Councilmember Montoya was elected as Mayor.

Nominations for Vice-Mayor: Mayor Montoya continued the meeting by calling for nominations for Vice-Mayor.

Councilmember Ray West nominated Councilmember Barbara Ahmann as candidate for Vice-Mayor.

Mayor Luis Montoya nominated Councilmember Laura Dorrell as candidate for Vice-Mayor.

There being no further nominations, Councilmember Barbara Reyes made a motion to close the nominations for Vice-Mayor. Second to the motion was made by Councilmember Ray Lorenzo. Motion carried.

The Clerk polled the Council as to the candidate of their choice and the results were as follows:

Voting in favor of Councilmember Barbara Ahmann for Vice-Mayor were Councilmembers West, Reyes and Ahmann.

Voting in favor of Councilmember Laura Dorrell for Vice-Mayor were Councilmembers Montoya, Lorenzo and Dorrell.

The results of the vote resulted in a tie and will be re-considered after the appointment of the seventh Councilmember.

Discussion and/or action to approve Resolution No. 2018-06: Approving authorized signers to execute all documents and other items which may be required by the National Bank of Arizona on behalf of the Town of Clifton: Town Manager, Ian McGaughey explained that the town's accounting policies and procedures require not less than two members from the Council and the Town Manager to be appointed by the Town Council as authorized signers on town bank accounts.

However, until a Town Manager has been hired, staff is recommending to add Luis Montoya and Omar Negrete in addition to Ray West and Barbara Ahmann as authorized signers.

Motion to approve Resolution No. 2018-06; approving authorized signers to execute all documents and related items required by National Bank of Arizona on behalf of the Town of Clifton was made by Councilmember Barbara Ahmann. Second to the motion was made by Councilmember West. Motion carried.

Discussion and/or action to appoint a successor to serve as Chairman of the following committees: Personnel Committee; Rates & Fees and Buildings & Properties: Councilmember West made a motion to appoint Mayor Montoya to serve as the Chair for the Personnel, Rates & Fees and Buildings & Properties Committees. Second to the motion was made by Councilmember B. Waddell Reyes. Motion carried.

Discussion and/or action regarding the vacancy in council – Town Code §30.004: Town Manager, Ian McGaughey explained that the Council would be required to follow the provisions of paragraph (A) of this section since the vacancy occurred more than 30 days before the nomination petition deadline which is May 30, 2018. He continued to explain that the Council could fill the vacancy by appointment and that appointee would serve on the Council until December 2018.

The Call of Election Notice would inform potential candidates that 4 seats would be available for anyone filing the required documents to get their name on the August 30, 2018 Primary Election Ballot. The top four successful candidates receiving a majority of ballots cast at the primary would be seated to serve.

Councilmember West made a motion to advertise the Town Council vacancy and request that interested candidates submit a letter of intent by no later than Monday, May 7, 2018. Second to the motion was made by Councilmember Lorenzo. Motion carried.

Mayor Montoya noted that by establishing this deadline, Council may consider an appointment during the May 10, 2018 regular meeting.

Discussion and/or action to approve the town's participation in the Chase Creek Street Tomorrow Project: Motion to table the item was made by Councilmember Laura Dorrell, second to the motion was made by Councilmember Ray West. Motion carried.

Discussion and/or action to authorize the Mayor to execute the following agreements:

a. An agreement between Bowman Consulting and the Town of Clifton for design of the Wastewater Treatment Plant: Mr. McGaughey explained that this agreement is under further review by the town's legal counsel and recommends tabling the item.

Motion to table the Bowman Consulting and Town of Clifton agreement for design of the Wastewater Treatment Plant was made by Councilmember B. Waddell Reyes. Second to the motion was made by Councilmember Barbara Ahmann. Motion carried.

b. An amendment to ADOT IGA File: 15-0005668-I; Amendment No. One: 18-00068265-I; Project Name: Zorilla Street Bridge: The Town Manager provided an update on this project. He explained that the cost estimate had significantly increased due to lead paint on the structure. He was pleased to report that with the support of the SEAGO Transportation Advisory Committee (TAC), STBG funds may be used to cover the remainder of this project but approval is contingent upon SEAGO's Executive Board approval.

Motion to authorize the Mayor to execute the amendment to ADOT IGA File: 1-0005668-I; Amendment No. One: 18-00068265-I; Project Name: Zorilla Street Bridge was made by Councilmember Barbara Ahmann, second to the motion was made by Councilmember B. Waddell Reyes. Motion carried.

c. The Arizona Municipal Risk Retention Pool Fourth Amended and Restated Membership Agreement: Mr. McGaughey explained that this agreement hasn't been updated for 30 years which is when the Risk Pool was organized. Upon review by the AMRRP Risk Management Committee, a revised supplement to the agreement was added which is identified as "Risk Management Program Agreement AMRRP."

Motion to authorize the Mayor to execute the Arizona Municipal Risk Retention Pool Fourth Amended and Restated Membership Agreement was made by Councilmember Reyes, second to the motion was made by Councilmember West. Motion carried.

d. The Temporary Lease Easement Agreement between the Town of Clifton and Freeport Minerals Corporation for the purposes of egress of a truck parking facility: Representing Freeport Minerals Corporation was Robert Pollock, Controller. He was available to answer any questions regarding the proposed temporary lease agreement. He explained that the anticipated time period is 1 year.

Councilmember Ahmann asked what the difference was between this access onto Riverside Dr. vs. the issues facing the proposed GoGo Gas expansion?

The Town Manager explained that ADOT has issues with all Southbound traffic on U.S. 191 and semi-truck's accessing Riverside Drive. The right hand-turn onto Riverside Dr. could cause these large capacity vehicles to cross over the center line when attempting the right-hand turn, causing dangerous traffic issues. FMI has addressed this issue by proposing that only semi-trucks heading Northbound on U.S. 191 will be allowed to access the temporary parking area. Only left-hand turns will be allowed, additionally, upon leaving the parking facility, semi-trucks will be required to continue on Northbound U.S. 191.

Mr. Pollock concurred with the requirements and added that vehicles containing HAZARDOUS materials will be allowed to park on the site. He stressed that this is a temporary parking facility to be used while the intersection at the Conoco gasoline/convenience store is complete.

Motion to authorize the Mayor to execute the temporary lease easement between the Town of Clifton and Freeport Minerals Corporation was made by Councilmember Laura Dorrell. Second to the motion was made by Councilmember Ray Lorenzo. Motion carried.

Discussion and/or action to authorize the sale of fixed assets as presented on the April 8, 2018 List of Auction Items: Mr. McGaughey reported that the town has an opportunity to participate in the public auction coordinated by Tingle Auctioneering. The auction site is at the Graham County Fairgrounds on April 21, 2018.

Motion to authorize the sale of fixed assets as presented on the April 8, 2018 List of Auction Items was made by Councilmember Barbara Ahmann. Second to the motion was made by Councilmember B. Waddell Reyes. Motion carried.

Discussion and/or action to adopt the list of fees as provided in Ordinance 02-2018; Section 113.05: The Town Manager explained that these fees were recommended by the League of Arizona Cities & Towns and all the stakeholders who participated in the development of the legislation.

Motion to adopt the list of fees as provided in Ordinance No. 02-2018 was made by Councilmember Ray West, second to the motion was made by Councilmember Laura Dorrell. Motion carried.

Discussion and/or action to adopt Resolution No. 2018-04: A Resolution adopting a Fair Housing Policy: Mr. McGaughey explained that this resolution is required to continue in compliance with Arizona Department of Housing (ADOH)/CDBG grant funding.

Motion to adopt Resolution No. 2018-04 was made by Councilmember Barbara Ahmann, second to the motion was made by Councilmember Ray West. Motion carried.

Second Reading of Ordinance No. 03-2018: Amending the Town Zoning Ordinance of the Town Of Clifton, Arizona, By Amending Chapter 1.12 Supplementary Requirements And Procedures Applicable Within Zones, By Adding New Section 1.12.370 Wireless Facilities In The Right-Of-Way Related To The Location Of Wireless Facilities In The Public Right-Of-Way In The Town; Providing For Repeal Of Conflicting Ordinances; Providing For Severability; And Providing For Penalties: The Town Clerk read the title paragraph of the ordinance as required in the ordinance adoption process.

Discussion and/or action to adopt Ordinance No. 03-2018: Motion to adopt Ordinance No. 03-2018 was made by Councilmember Reyes. Second to the motion was made by Councilmember West. Motion carried unanimously.

Executive Session: Pursuant to A.R.S. §38-431.01(A) for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of the Interim Town Manager: Motion to convene into executive session was made by Councilmember Reyes, second to the motion was made by Councilmember Dorrell. Motion carried. Council convened into executive session at approximately 8:27 p.m.

At approximately 8:39 p.m. Councilmember Ray Lorenzo made a motion to adjourn the executive session and reconvene into regular session. Second to the motion was made by Councilmember B. Waddell Reyes. Motion carried.

Discussion and/or action to authorize the Mayor to execute the Employment Agreement between the Town of Clifton and Esperanza Castaneda as the Interim Town Manager: Motion to authorize Mayor Montoya to execute the Employment Agreement between the Town of Clifton and Esperanza Castaneda as the Interim Town Manager was made by Councilmember Ray West. Second to the motion was made by Councilmember Barbara Ahmann. Motion carried.

Manager's Report: Mr. McGaughey reported on the following activities and projects:

- Reported that the town will receive a dividend in the amount of \$22,626 from the Arizona Municipal Risk Retention Pool. The probability of applying the credit against next year's premium is likely.
- Noted that the next budget meeting is scheduled for Thursday, April 19, 2018 at 10:00 a.m.
- Informed the Council that the town's Chase Creek lot has been split into three parcels, however the sale of the buildings are on hold until a new Town Manager can be hired.
- Stated that the General Plan kick-off meeting had gone well and the process will be moving forward. The Town has provided a list of participants to The Planning Center Consultant.
- Informed the Council that a public notice seeking members to the town's Planning & Zoning, Board of Adjustment and Historic Preservation Commissions will be published in the Copper Era.
- Reported that as of this date, there are 20 applications received by the town for the Town Manager's position.

Adjournment: Motion to adjourn was made by Councilmember Ray West. Second to the motion was made by Councilmember Ray Lorenzo. Motion carried.

Meeting adjourned at approximately 8:50 p.m.