

**Minutes
Town of Clifton
Regular Town Council Meeting
December 12, 2019
2:00 P.M.**

Members Present

Luis Montoya, Mayor
Barbara Ahmann, Vice-Mayor*
Laura Dorrell, Council Member
John Freida, Council Member*
Ray Lorenzo, Council Member
B. Waddell Reyes, Council Member
Ray West, Council Member

*Excused

A quorum was present.

Call to order: The meeting was called to order by Mayor Luis Montoya followed by the Pledge of Allegiance.

Call to the Public: Daniel Cervantez congratulated the town and the Festival of Lights Committee for providing the community another successful event.

Council Reports: Council members also congratulated the Festival of Lights Committee and all those who volunteered in making this year's event a success.

Mayor Montoya thanked Council member Dorrell for Chairing last month's meeting. The Mayor also announced that the town had been awarded \$115,000 in grant funds from the FMI-Community Investment Funds for a beautification and abatement project.

Consent Agenda: Motion to accept the following items as presented under consent agenda was made by Council member West:

1. Approval of the November 14, 2019 Regular Meeting Minutes;
2. Receive Department Reports;
3. Approval of November 2019 Demands.
4. Receive the FY2019 Audit Report as presented by CLA (CliftonLarsonAllen LLP)

Second to the motion was made by Council member Laura Dorrell.

Voting in favor of the motion were Council members West, Dorrell, Lorenzo, Reyes and Montoya. Motion carried.

Old Business:

Discussion and/or action to award the bid for CDBG Contract #116-18:

Construction Phase of the Removal of Architectural Barriers at the town’s

Community Center: Town Clerk, Espie Castaneda explained that during the course of seeking bids for this project, she had requested an additional extension to complete this project. (Project deadline was December 31, 2019). The request had initially been declined, however the Arizona Department of Housing had reconsidered its position and offered approval of the extension on a conditional basis and with modifications on November 29, 2019. For example, the town would have to execute a contract for the project by no later than December 12, 2019. During this time, the town did receive a proposal from Koo Design-Build. Unfortunately, the bid amount far exceeded the available funding in the grant. After careful consideration by staff, it was decided to decline the counter offer as proposed by ADOH, de obligate the remaining grant funds and closeout the grant.

Motion by Council member Dorrell to ratify the decision to decline the grant extension deadline and close out the grant, therefore discontinuing any further action to award a bid for the CDBG Contract #116-18. Second to the motion was made by Council member West.

Voting in favor of the motion were Council members Dorrell, West, Lorenzo, Reyes and Montoya. Motion carried.

New Business:

Presentation by Steve Schmenk, JCG Technologies-Webcasting Solutions:

Representing JCB Technologies was Steve Schmenk. Mr. Schmenk provided a remote presentation and highlighted his product via internet. He explained that 35 Arizona towns & cities are currently utilizing this product to webcast their meetings either live or on-demand. He showcased the software by demonstrating the functions and security issues available. He explained that the benefit of webcasting town meetings is to engage the local community in current events and vital issues involving the public.

The Town Attorney, Susan Goodwin joined the meeting telephonically.

Second Reading of Ordinance No. 04-2019: An Ordinance Of The Common Council Of The Town Of Clifton, Arizona, Declaring The Document Entitled “Town Of Clifton Right-Of-Way Regulatory Ordinance Dated December 12, 2019” As A Public Record; Adopting The “Town Of Clifton Right-Of-Way Regulatory Ordinance Dated December 12, 2019”, Amending The Town Of Clifton Town Code By Adding New Chapter 52 Construction Within Public Rights-Of-Way; Location And Relocation Of Facilities In Public Rights-Of-Way Related To Regulation Of The Construction In The Public Rights-Of-Way In The Town And Setting Forth Requirements For Permit Applications And Work In The Public Right-Of-Way; Providing For Repeal Of Conflicting Ordinances; Providing For Severability; And

Providing 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. 04-2019: Motion to adopt Ordinance No. 04-2019 was made by Council member Ray West. Second to the motion was made by Council member Ray Lorenzo.

Absent for the vote were Council members Ahmann and Freida.

Voting in favor of the motion were Council members West, Lorenzo, Dorrell, Reyes and Montoya. Motion carried.

Second Reading of Ordinance No. 05-2019: An Ordinance Of The Common Council Of The Town Of Clifton, Arizona, Amending The Code Of Clifton, Arizona, Title Xi Business Regulations, By Adopting A New Chapter 115 Video Services Relating To The Regulation Of Video Service 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.: 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. 05-2019: Motion to adopt Ordinance No. 05-2019 was made by Council member B. Waddell Reyes. Second to the motion was made by Council member Laura Dorrell.

Absent for the vote were Council members Ahmann and Freida

Voting in favor of the motion were Council members Reyes, Dorrell, Lorenzo, West and Montoya. Motion carried.

First Reading of Ordinance No. 06-2019: An Ordinance Of The Mayor And Common Council Of The Town Of Clifton, Arizona, Declaring The Document Entitled “Town Of Clifton Wireless Facilities In The Right-Of-Way Standard Terms And Conditions Amendment No. 1” As A Public Record; Amending The Code Of Clifton, Arizona, Amending Chapter 113 Wireless Facilities In The Right-Of-Way; Microcell Equipment By Amending Section 113.03 Definitions, Section. 113.04 General Provisions, Paragraph (A)(1), Section 113.05 Small Wireless Facilities, Paragraph (C)(3) And Amend Section 113.06 Other Wireless Facilities, Paragraph (B)(2) All Related To The Use Of The Public Right-Of-Way In The Town By Wireless Providers; 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 approve \$270,105.00 of HURF Funds for the Zorilla St. Bridge Rehabilitation Project: Town Manager, Rudy Perez explained that he had contacted District Engineer, Bill Harmon for clarification on potential project change orders. Mr. Perez recalled that during the last meeting, Council members were concerned that they might be committing the town to more funding than the last estimate for the project. Mr. Perez explained that per the executed Intergovernmental Agreement, the town would be responsible for all costs exceeding the final bid amount for the project. However, Mr. Perez did explain that the current contract proposal does have a \$61,000 contingency that would be used for unexpected costs such as change orders.

Mr. Perez reviewed the town's allocated funding sources available to cover the additional costs of the project. The HURF Budget includes \$197,000 of state distribution funds in FY2020 to be used for roads/streets as well as \$72,000 allocated in street improvements in the HURF budget as well. Mr. Perez further explained that the town has already invested \$74,000 in town funds towards this project.

Members of the Council questioned the potential impact to the second bid due to the revised scope of work related to lead based paint removal. Mr. Perez explained that the scope of work addressing the removal of lead - based paint had been scaled back to affect only the lower portion of the bridge.

Council member West expressed his concern related to the town having no control over the potential change orders. Council member Dorrell stated that although she too was concerned about the excess amount covered by the town, she felt that with the resurgence of the business community on Park Avenue this would be a wise investment.

There being no further discussion, Mayor Luis Montoya made a motion to approve \$270,105.00 of HURF Funds for the Zorilla St. Bridge Rehabilitation Project. Second to the motion was made by Council member Laura Dorrell.

Absent for the vote were Council members Ahmann and Freida.

Voting in favor of the motion were Council members Montoya, Dorrell, Lorenzo, West and Reyes. Motion carried.

Discussion and/or action to approve the Chase Creek Tomorrow Lighting Project Construction Documents and Plans: Town Manager, Rudy Perez reported that the design of the street lighting fixtures options had been reviewed by the Historic Preservation Commission. After careful review and discussion by the Commission, they recommended the light fixture style Option 3 as presented in the construction documents and plans. The recommended locations for the poles were also approved. Mr. Perez also reported that the cost estimate for the project totals \$108,000.00. The Business Association of Chase Creek Arizona has committed to seek the funding for the construction phase of this project.

Chad Crockett, Bowman Consulting provided additional information on concerns to the town's aging sewer lines which may be affected during construction by Morenci Water & Electric. He recommended that the town may consider upgrading the sewer lines in conjunction with the electric line burial as a cost saving measure. His cost estimate range would from \$100,000 - \$200,000.

The Town Manager further reported that initially there were time constraints on this project, however Morenci Water & Electric representatives have indicated they are willing to wait.

Motion to approve the Chase Creek Tomorrow Lighting Project Construction Documents and Plans as presented by Wright Engineering Corporation was made by Mayor Luis Montoya. Second to the motion was made by Council member Ray West.

Absent for the vote were Council members Ahmann and Freida.

Voting in favor of the motion were Council members Montoya, West, Dorrell and Lorenzo.

Opposing the motion was Council member B. Waddell Reyes.

Motion carried.

Discussion and/or action to authorize the Mayor to execute the Intergovernmental Agreement between the Town of Clifton Police Department and Greenlee County for the 9-1-1 Bill Payment Procedure: Police Chief, Omar Negrete explained that this change will only affect billing procedures. Previously, billing from the telecommunications provider were submitted directly to the State of Arizona. The change will now require billing to be submitted to Greenlee County.

Motion to authorize the Mayor to execute the IGA between the Town of Clifton Police Department and Greenlee County for the 9-1-1 Bill Payment Procedure was made by Council member Ray West. Second to the motion was made by Council member Laura Dorrell.

Absent for the vote were Council members Ahmann and Freida.

Voting in favor of the motion were Council members West, Dorrell, Lorenzo, Reyes and Montoya.

Motion carried.

Discussion and/or action to approve Resolution No. 2019-08: Designating the Chief Fiscal Officer for the Annual Expenditure Limitation Report for Fiscal

Year 2018-2019: Town Clerk, Espie Castaneda explained that recently the FY2019 audit reports had been submitted to the State of Arizona Auditor General's Office and notified the town of no official filing declaring the Chief Fiscal Officer for this reporting period. Recently, the State Auditor General has required that a formal designation of the Chief Fiscal Officer be submitted annually. She explained that recently Council approved the formal designation for the FY2020 reporting period.

Motion to approve Resolution No. 2019-08 was made by Council member Laura Dorrell. Second to the motion was made by Council member Ray Lorenzo.

Absent for the vote were Council members Ahmann and Freida.

Voting in favor of the motion were Council members Dorrell, Lorenzo, West, Reyes and Montoya.

Motion carried.

Discussion and/or action to accept John Freida's resignation from the Clifton Town Council effective November 20, 2019: The Town Clerk read Council member Freida's resignation letter.

Members of the Council thanked Mr. Freida for his service to the community.

Motion to accept John Freida's resignation from the Clifton Town Council effective November 20, 2019 was made by Council member Ray West. Second to the motion was made by Councilmember B. Waddell Reyes.

Voting in favor of the motion were Council members Dorrell, Lorenzo, West, Reyes and Montoya.

Motion carried.

Manager's Report: Town Manager, Rudy Perez reported on the following activities:

- Acknowledged the town's code enforcement officer, Angel Maldonado for a job well done in securing the Freeport McMoRan Community Investment Funds Grant for the town's beautification and abatement project.
- Congratulated Leslie Ray, Visitor's Center Manager, for her nomination to the Fifteen over/under 40 event which recognizes Graham/Greenlee counties most influential individuals.

Adjournment: Mayor Montoya adjourned the meeting at approximately 4:01 p.m.