

CITY OF GLOBE

REGULAR MEETING MINUTES

MUNICIPAL BUILDING 150 NORTH PINE STREET GLOBE, ARIZONA

December 22, 2015 6:00 P.M.

The meeting was called to order by Mayor Wheeler at: 6:00 pm.

The Invocation was given by: Councilman Lerry Alderman

The Pledge of Allegiance was led by: City Manager; Brent Billingsley

ROLL CALL

Present: Mayor Terence Wheeler (Not voting), Councilman James Haley, Councilman Mike Humphrey, Councilwoman Roberta Johnson, Councilman Mike Stapleton, Vice Mayor Eric Mariscal, Councilman Lerry Alderman.

1. SUMMARY OF CURRENT EVENTS:

A. Council Members

Councilman Lerry Alderman asks for prayer for Mrs. Donna Anderson who was involved in a car accident on her way to the Festival of Lights at Besh BaGowah where she was to be the Master of Ceremonies. Councilman Alderman says that he had the honor to step in and be the M.C. at the 28th annual Festival of Lights on behalf of Mrs. Anderson and it was a wonderful event.

Councilman Haley extended thanks to the Downtown Association and the Center for the Arts for all they have done throughout the holiday season and for the power of volunteers doing something for their community. Councilman Haley wishes everyone a Merry Christmas and a prosperous New Year.

Councilwoman Johnson thanked Councilman Alderman for Mastering the Festival of Lights. He was amazing filling in at the last minute for a major event. Councilwoman Johnson personally thanked Brent Billingsley for his very capable services these past three years. Definitely our loss is Florence's gain.

Vice Mayor wishes everyone a Merry Christmas. Vice Mayor Mariscal also thanks Brent Billingsley stating that he did an amazing job for the City of Globe with much success in all projects that were completed making Globe a better place to live and that he hates to see him go but is sure that we will see Mr. Billingsley in bigger places.

Councilman Humphrey wishes everyone a Merry Christmas and also thanks Mr. Billingsley.

Councilman Stapleton wishes a Merry Christmas and a Happy New Year and states that it is a pleasure sitting as Councilmember. Councilman Stapleton also thanks Brent Billingsley for his service. Councilman Stapleton also thanks everyone who donated lights, Globe Clean and Beautiful who volunteered their service and APS for the use of three

bucket trucks. Thanks go out to City of Globe Staff John Angulo and his crew decorating the Tee Pee.

B. Mayor

Mayor Wheeler thanks the City Staff for their entry in the light parade. Mayor Wheeler extends a Special thanks to the Water Crew for working long cold wet hours fixing broken pipes and also special thanks to John Angulo for working with residents where there has been major destruction in our streets. Final thanks Joe Bracamonte and K9 Officer Evo for the special Christmas program at Heritage Health Facility. Mayor Wheeler gives a heartfelt thanks to all the City Department for doing special things for the City of Globe. Gratitude is extended to Ms. Leana Asberry and crew for a fine job on the Festival of Lights. Mayor Wheeler stated that Mrs. Donna Anderson has been the Festival's Master of Ceremonies for over 28 years and Councilman Alderman did a fine job in her absence this year. Mayor Wheeler asks for a moment of silence for the three man Native Air helicopter crew that crashed outside of Superior.

Lastly Mayor Wheeler is saddened to say good bye to Brent Billingsley who he has known for 20 years. Mayor Wheeler stated that the City of Globe was very fortunate to have Brent as he has made a very positive impact in lives and in our City. Brent has worked hard improving the City's sewer and water infrastructure as well as formed a positive relationship with ADEQ. Under Brent's direction the City of Globe was honored with the top award to cities under 10,000 populations by the Arizona Planners Association for our General Plan. Brent Billingsley has contributed to a well-designed plan as how we operate as a City. Mayor Wheeler extends a tearful goodbye and invites Brent back when he can stay longer.

C. City Manager

City Manager Brent Billingsley thanks Council for their heartfelt goodbyes and wishes everyone a Merry Christmas. Mr. Billingsley states that it has been an honor and privilege to serve in Globe. Fire Chief Al Gameros is introduced as the City of Globe's Interim City Manager as well as Deputy Chief Gary Robinson as Interim Fire Chief. It is announced that Ms. Dottie Sanchez will be retiring from the City's Active Adult Center at the end of the month. Ms. Sanchez stepped in as Director when the City lost Jane Eck and has been faced with many challenging situations to fill very large shoes. Dottie has done a wonderful job for the City for the last two years. Mr. Billingsley announces that the largest attended Employee Christmas Party was hosted at the Active Adult Center. Three very important awards were presented as part of the celebration and this year honors went to Councilwoman Roberta Johnson for Government Official of the Year; City Manager Brent Billingsley; Under the Bus Award and Shelly Salazar, City Clerk for Employee of the Year.

2. SPECIAL PRESENTATIONS AND CEREMONIAL MATTERS: Presentations, Proclamations, Awards, Guest Introductions and Announcements

A. Presentation of the Annual Christmas Light Parade Awards.
(Paul Tunis)

Paul Tunis introduces Mr. Ed Gardea; Parade Chairman for the past 19 years and appreciation is extended to an awesome crew; Greg Sukowsky, Ruth Oviedo, Ed

Gardea Family, Tom Morgan, David Rodgers, Michelle Gregg, Darrell Meeks and Randy Sullivan. John Angulo and Chief Al Gameros are also thanked for above and beyond service as well as a great job by the Globe Police Dept. Parade announcers; Paul Tunis and Rudy Amador along with the City of Globe are recognized and thanked. Winners are announced as follows: Best use of Lights; Dylan Earven Foundation, Best Commercial Entry; J&S Towing, Best Lighted Vehicle; Tri City Fire Dept., Best Use of Theme; Arizona Public Service, Best Mounted Riders; Copper Country Drill Team, Best Group or Organization; Globe Miami ATV Club, Best Musical Presentation; Globe High School Band and Judges Fancy; Dr. Ruesch's Model A.

B. Cake Reception for outgoing City Manager; Brent Billingsley. (Council)

Outgoing City Manager; Brent Billingsley is presented with a copper plaque recognizing his success in revitalizing Globe by the Mayor and Council. Mayor Wheeler adjourns the meeting for a small reception.

Meeting adjourned at 6:24 pm.
Meeting reconvened at 6:37 pm

3. **CONSENT CALENDAR:** Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. Public Hearing items are designated with an asterisk (*). Prior to consideration of the Consent Agenda, the Mayor will ask whether any member of the public wishes to remove a Public Hearing item for separate consideration. Members of the Council and or staff may remove any item for separate consideration.

A. Consideration of Waiver of Section 2-4-10 (A) [prior discussion rule] to allow action on the balance of the consent Agenda:

1. Accounts Payable \$459818.10

B. Consideration of Approval of Council Minutes:

Regular Meeting Minutes November 24, 2015
Regular Meeting Minutes December 8, 2015.

C. Consideration of Contract Amendment with Sellers & Sons, Inc. to include the Alternate Bid Project. (Jerry Barnes and Paul Hendricks)

D. Consideration of Contract Amendment with EUSI to include the US 60 #GS-2015-20; US 60 Waterline Construction Contract with Bid Alternate Project. (Jerry Barnes and Paul Hendricks)

Motion: Approve the consent agenda as read. **Action:** Approve, **Moved by** Councilman Lerry Alderman, **Seconded by** Councilman Mike Stapleton. Motion passed unanimously.

4. **NEW BUSINESS:**

- A. Discussion and consideration regarding the December 12, 1983 Inspiration Copper Water Effluent Agreement and ongoing discussions with Freeport McMoran Incorporated. (Brent Billingsley)

City Manager Brent Billingsley informs the public that this item has been on our executive session agenda for two years and that this is the first time it is a public item. The Finance Director will be putting this presentation on the city web site. The original agreement was entered with Inspiration Copper in 1983 for an initial 30 year term with 3 renewal options. The City of Globe has been providing treated effluent water for \$1.00 per year in exchange for two (2) wells known as the Aliso Wells. The values of the wells in general, were not producing wells as they were high in arsenic. Inspiration Copper is now Freeport McMoran Copper and Gold. The initial 30 year term has passed and the City has been in negotiations with FMMI moving forward. The City is currently providing FMMI 660,000 gallons of treated effluent per year that is approximately 748 acre ft. per year, a whole lot of water. The City is currently receiving \$1.00 per year for the treated effluent water. The value and shortage of water is vastly different now than in 1983. Legality of the 1983 Inspiration Agreement has been shadowed by the "Gift Clause" (Arizona Constitution, Article 15) and the valuation argument. Staff has researched and estimates that the value of the effluent water is approximately \$250 per acre foot. The City received intent to renew from Freeport McMoran in June of 2013 for their next 10 year option. The City notified FMMI of legal concerns June of 2013 and negotiations have ongoing. Mr. Billingsley stated as of this meeting the City believes we have reached an impasse. Going forward the City believes the need to hire a professional Litigator.

Council discussion reveals that the City of Globe has lost hundreds of thousands of dollars in the initial 30 year term. Council has been unified and patient. Legal concerns need to be resolved and the true value of this water needs to be established.

- B. Discussion and consideration regarding potential authorization of the City Manager to negotiate a contract with Jeff Murray of Sims Murray LTD for legal services. (Brent Billingsley)

Motion: Waive the Rules and approve authorization to negotiate a legal contract with Sims Murray LTD, **Action:** Approve, **Moved by** Councilman James Haley, **Seconded by** Councilman Mike Stapleton.
Motion passed unanimously.

5. **ACTION ITEMS:**

- A. Consideration of #GS-2015-06 RESOLUTION NO. 1732 Adopting a Residential Antidisplacement and Relocation Assistance Plan for FY 2015 as required with funds provided under the Housing and Community Development Act of 1974 as amended. (Deputy Chief Gary Robinson)

RESOLUTION NO. 1732 – A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GLOBE, COUNTY OF GILA, STATE OF ARIZONA ADOPTING A RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

FOR FY 2015, AS REQUIRED UNDER SECTION 104(d) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED.

Brent Billingsley reads Resolution No. 1732 into the meeting for the final time and Council is satisfied with the reading.

Motion: To approve Resolution No. 1732. **Action:** Approve, **Moved by** Councilman Lerry Alderman, **Seconded by** Councilman Mike Stapleton. Motion passed unanimously.

- B. Consideration of #GS-2015-22; Task Order for Repairs to the Hagen Water Storage Tanks and Cutter Booster Station Tanks.
(Paul Hendricks and Jerry Barnes)

Jerry Barnes presents Council with options to repair the Hagen Water Storage and Cutter Booster Stations. Previously Council approved a not to exceed contract with Superior Tank to complete the Crestline Tank and has provided a proposal to address the Hagen Water Tanks.

Public Works Director; Jerry Barnes recommends Council to approve Task Orders with Superior Tank to repair the floor and exterior wall leaks in both tanks at a cost of \$44,215.00; option 1. Mr. Barnes also request the floors in the Cutter Booster Station Tanks be replaced and the interior and exterior of both tanks be recoated at a cost of \$97,800.00; option 3. WIFA has approved loan funding for these repairs. Option 2 is not recommended for a complete teardown and reconstruction of these tanks in the amount of \$918,000; there is not capacity within the WIFA loan at this time.

Discussion with Paul Hendricks of EUSI and Jerry Barnes reveal that the recommended repairs would serf ice for a period of approximately 5 years, Council observed that in that time additional funding could be sought. Council

Motion: To approve options 1 and 3 for task order with Superior Tank to repair Hagen and Cutter Tanks in the amount of \$156,216.50 which includes a 10% owner contingency, **Action:** Approve, **Moved by** Councilman Lerry Alderman, **Seconded by** Councilman Mike Stapleton. Motion passed unanimously.

6. CALL TO THE PUBLIC:

Any citizen desiring to speak on a matter that IS NOT scheduled on this agenda may do so at this time. Comments will be limited to **three minutes per person** and shall be addressed to the City Council as a whole, and not to any individual member. **Please complete a "Request to Speak Card", located with the Agendas at the rear of the Council Chambers and turn it in to the City Clerk prior to the beginning of the meeting.** Issues raised shall be limited to those within the jurisdiction of the City Council. Pursuant to the Arizona Open Meeting Law, the City Council cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual City

Council members may (1) respond to criticism made by those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.

John Schempf is visiting the City of Globe and has submitted an application for the position of City Manager, introduces himself to Council.

Chief Al Gamos personally wants to thank Brent Billingsley. As Interim City Manager he has had the opportunity to work with Brent for the past two weeks and the ongoing projects and projects that have been completed he stated that it is just amazing. Chief Gamos told Council that he has worked with at least 12 different City Managers and Brent Billingsley is the hardest working manager he has worked with. The dedication and hours that he has put in for this City are incredible and are not all behind the desk; Brent is out in the field involved in the physical work as well. The City is truly at a loss with the resignation of Brent. Brent brought a tremendous amount of knowledge especially in the water and wastewater systems, he knows the laws and regulations. Chief Gamos is grateful to Brent to be able to learn from him about city government beyond his department. Chief Gamos thanks Brent for setting the bar high and encourages the City to move in forward in excellence.

Motion: Adjourn into executive session at 7:12 pm., **Action:** Adjourn, **Moved by** Councilman James Haley, **Seconded by** Councilman Lerry Alderman.
Motion passed unanimously.

7. EXECUTIVE SESSION:

- A. Confidentiality Statement.
- B. Discussion or consultation with the attorneys of the public body for legal advice and 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. Pursuant to A.R.S. Section 38-431.03 (a) (3), (4) & (a) (7)
 - 1. Arizona Water; receive legal advice from the City Attorney and outside counsel and to give the City Attorney and outside counsel direction in connection with the dispute with Arizona Water Company regarding water service provided to customers in the Globe area. Following the executive session the Council may take action in open session to give the City Attorney direction regarding such dispute.
 - 2. Legal advice and direction regarding Water Effluent Agreement with Inspiration Copper.
 - 3. Legal advice and direction regarding the Corkish claim.
- C. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee pursuant to A.R.S. 38-431.03 (a)(1)(2),(a)(3)&(a)(4)

8. ADJOURNMENT.

Motion: Adjourn regular meeting at 7:34 pm., **Action:** Adjourn, **Moved by** Councilwoman Roberta Johnson, **Seconded by** Councilman James Haley.
Motion passed unanimously.

9. SCHEDULING OF MEETINGS:

Scheduling of meetings, which may be brought up at this time.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of the City of Globe held on the 22ND day of December, 2015. I further certify that the meeting was duly called and held and that a quorum was present.



Shelly Salazar, City Clerk