

CITY OF SOMERTON  
MINUTES  
REGULAR COUNCIL MEETING  
OF THE CITY COUNCIL

7:00 P.M.

Tuesday, December 06, 2011

Council Members:

Staff:

M. Porchas, Mayor	(P)	Bill Lee, City Manager	(P)
A. Magana, Vice-Mayor	(P)	Louie Galaviz, Park & Rec Dir	(P)
J. Yepez	(P)	B. Cotman, Chief of Police	(P)
G. Anaya	(P)	S. Palacios, Interim Public Works Dir	(P)
M. Villalpando	(A)	G.W. Hunt, City Attorney	(P)
L. Ramirez	(A)	M. Figueroa, City Magistrate	(P)
L. Galindo	(P)	G. Halford, Admin. Svcs. Dir	(P)
		VACANT, Interim Com. Dev. Dir	(A)
		P. De Anda, Fire Chief	(A)

**CALL TO ORDER/ROLL CALL**

Mayor Martin Porchas called meeting to order at 7:01 P.M.

Pledge of Allegiance was led by Councilman Luis Galindo and recited in unison.

All members of the Council were not present. Council Members Laura Ramirez and Miguel Villalpando were absent.

**Call to the Public**

NONE.

**CONSENT AGENDA**

1. Minutes for Regular Council Meeting of November 15, 2011.
2. Tamale Festival – December 17, 2011.
3. Re-Treat January 14<sup>th</sup>, 2012.

Mayor Porchas entertained a motion to continue the minutes of November 15, 2011 to the next Council Meeting on December 20, 2011 and only to approve items 2 and 3 on the Consent Agenda. Councilman Yepez moved to approve the Consent Agenda as stated by Mayor Porchas. Vice-Mayor A. Magaña seconded the motion. All voted in favor. Motion passed.

Mayor M. Porchas entered a motion to open Public Hearing. Councilman J. Yepez moved to open the Public Hearing. Vice-Mayor Magaña seconded the motion. All voted in favor. Motion Passed.

## **PUBLIC HEARING**

Public Hearing regarding NO PARKING along Somerton Ave. from Fern Street to Jefferson Street.

**For information only, no action will be taken.**

**Sam Palacios**-Stated that the City of Somerton received funds through the Yuma Metropolitan Planning Organization and that residents were advised of this public hearing by newspaper advertisement, mail notices and two boards along Somerton Ave.

**Sam Palacios**-Explained that the amount for the design is for \$40K and \$550K for the construction and also stated that the consultant is already on board and awaiting direction in order to address the striping.

**Sam Palacios**-Mentioned that having access to the alley would be an option for people to park.

**Sam Palacios**-Stated that another option would be adding a bicycle lane to the pathway master plan when applying for the grant.

**Sam Palacios**-Explained that this is pretty much mill and overlay not a complete reconstruct and sidewalks, driveways, and handicap ramps will remain.

**Mayor M. Porchas made a Call to the Public.**

**Bruce Callaway**-Asked council if a rail is going to be built to keep kids off the road.

**Bruce Callaway**-Concerned if trashcans are going to be put on the alley.

**Bruce Callaway**-Stated that this Construction process isn't needed and stated that there is many hazards not being considered.

**Bruce Callaway**-Would like to hear comments on why this construction process is being made.

**Bruce Callaway**-I oppose it.

**Fernando Villegas**, 795 N. Marshall Loop-Stated that he's the owner of the property located at 705 N. Somerton Ave.

**Fernando Villegas**-He's not against or opposition just wants Council to have in mind the safety concerns.

**Fernando Villegas**-Recommended improving the alleys for property owners can use the alleys for parking if this is to be approved.

**Fernando Villegas**-Doesn't believe that an alley should be paved due to future repairs.

**Fernando Villegas**-Thanked Council for the opportunity to voice his concerns.

**Fernando Villegas**-Stated that the road is a collector road meaning that there is traffic all day.

**Fernando Villegas**-Suggested to widen the road and the right-a-ways on the road and if Council wants to maintain it as residential, he recommends leaving it the way it is.

**Ramiro Camarillo**-Concerned that if parking is taken from his property on 235 N. Somerton Ave. there will be no parking at all for his property because there's no alley near his property.

**Mayor M. Porchas**-Vehicles parked on the street is more of safety issue because kids run behind parked vehicles and people who are driving and not paying attention could run over these kids.

Mayor M. Porchas entertained a motion to exit close Public Hearing. Councilman J. Yopez moved to close Public Hearing. Mayor M. Porchas seconded the motion. All voted in favor. Motion passed.

#### **OLD BUSINESS**

*All items are for discussion and possible action.*

NONE

#### **NEW BUSINESS**

*All items are for discussion and possible action.*

1. *Intergovernmental Agreement (IGA) between the State of Arizona (ADOT) and the City of Somerton.*

**Sam Palacios**-Stated that the City of Somerton submitted an application through YMPO to continue developing the Trail and Pathway Master Plan, which currently consists of Cesar Chavez Ave. from Main Street to Madison Street.

**Sam Palacios**-Recommends for Council to approve the Intergovernmental Agreement.

**Sam Palacios**-Explained that total amount for this project will be \$786,250.00. Coming out from federal funds will be (94.3%) - \$741,434.00 and coming from the City's funds (GADA / HURF) will be (5.7%) - \$44,816.00.

**Sam Palacios**-Proposed to have exercise areas with equipment and more signing, which will try to include in on the canal pathway and Cesar Chavez as well.

2. *RESOLUTION NO. 2011-031 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOMERTON, ARIZONA AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN STATE OF ARIZONA AND THE CITY OF SOMERTON FOR PRE-DESIGN, DESIGN AND CONSTRUCTION OF THE CESAR CHAVEZ MULTI-USE PATHWAY PROJECT.*

Mayor M. Porchas entertained a motion to approve Resolution No. 2011-031 for the amount of \$44,816. Councilman J. Yopez moved to approve Resolution No. 2011-031. Councilman L. Galindo seconded the motion. All voted in favor. Motion passed.

3. *Audit questions and answers for the fiscal year ended June 30, 2011 by Chad Atkinson CPA and partner of Hilton Burdick. The City is required to undergo an annual audit in conformity with the provisions of the Single Audit Act Amendments of 1996. The audit has been presented to Mayor and Council in a prior meeting.*

**Chad Atkinson**-Presented the 2011 Audit for the City of Somerton.

**Chad Atkinson**-Thanked City staff for all their help while down in Somerton.

**Chad Atkinson**-Stated that the City received an unqualified opinion on the financial statements or clean opinion, which is the highest level of assurance on an audit report.

**Chad Atkinson**-Believes the City has complied with state laws so there are no issues.

**Chad Atkinson**-Stated that the material weakness for the City was in regards to the Municipal Court as internal control issues. Controls weren't operating the way they should have or were improperly designed. As a result, the former court clerk was taken into custody and is facing charges for fraudulent behavior.

**Chad Atkinson**-Recommended that the findings to the City should be implemented as well as the finance director be involved in monthly reviews of reports.

**Chad Atkinson**-Pointed out that the City is making a progress in Construction-In-Progress. The City should do a better job of reconciling to make sure there isn't any improperly reported capital assets or over spending in budget. It's just a recommendation.

**Chad Atkinson**-Recommended that when doing grant reimbursement requests they need to cut those off at a point in time esp. year-end they should do reimbursement request at the end of the fiscal year so expenses in revenues can be kept and reported in the proper period.

**Chad Atkinson**-Emphasized that a fraudulent management program should be in place with the City, even a simple one. Recommended this be finalized and then adopted by the City.

**Chad Atkinson**-Noticed internal control that could be tightened in ambulance billing department. Recommended that all payments should now be directed through the City Hall rather than through the building clerk and for City Hall to provide copies of payments made to the building clerk she they can adjust all the appropriate accounts. Also recommended for someone who is familiar with the ambulance billing should oversee any adjustments to accounts.

**Chad Atkinson**-Feels that there's still some simplification that needs to take place in the Municipal Accounting. Doug needs to continue to work with Chad and simplify that process.

**Chad Atkinson**-Recommended to Council to put a progress report from city staff on the City Council Agenda every couple of months.

**Chad Atkinson**-Thanked Council for serving the City.

**4. *Contract for use of Water Tower for cellular tower.***

*The City of Somerton has previously entered into two contracts for the use of out Water Tower as Cellular tower. The two companies are ClearTalk and Fisher Wireless.*

**Doug Bradley**-Stated that the contract with ClearTalk automatically renews.

**Doug Bradley**-Prefers Time Warner, it's a more robust system.

Mayor M. Porchas entertained a motion to approve agreement with Flat Wireless as ClearTalk as presented by legal. Councilman J. Yopez moved to approve the agreement. Vice-Mayor A. Magaña seconded the motion. All voted in favor. Motion passed.

**5. *Applying for debt to finance Solar Projects at Wastewater Facility through WIFA.***

*The City of Somerton is seeking financing for the installation of solar at the Wastewater Facility.*

**Doug Bradley**-Stated that these loans will finance 100% of the project at a very attractive interest rate and they'll forgive 50% of it.

6. **RESOLUTION NO. 2011-029** A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SOMERTON, ARIZONA, A MUNICIPAL CORPORATION OF ARIZONA, TO AUTHORIZE THE APPLICATION FOR CWSRF LOAN FROM THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA.

Mayor M. Porchas entertained a motion to approve Resolution No. 2011-029. Councilman J. Yepez moved to approve Resolution No. 2011-029. Councilman L. Galindo seconded the motion. All voted in favor. Motion passed.

7. **Applying for debt to finance Solar Projects at Water Facility through WIFA.**  
*The City of Somerton is seeking financing for the installation of solar at the Water Facility.*

**Doug Bradley**-Stated that this resolution is for drinking water.

8. **RESOLUTION NO. 2011-030** A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SOMERTON, ARIZONA, A MUNICIPAL CORPORATION OF ARIZONA, TO AUTHORIZE THE APPLICATION FOR A DWSRF LOAN FROM THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA.

Mayor M. Porchas entertained a motion to approve Resolution No. 2011-030 as presented. Councilman J. Yepez moved to approve Resolution No. 2011-030. Vice-Mayor A. Magaña seconded the motion. All voted in favor. Motion passed.

9. **New Development Impact Fees regulations effective January 1, 2012.**

*For information only.*

*On April 28, 2011, Governor Brewer signed the SB1525 into law. This bill rewrote most of the State Statutes regarding Development Impact Fees.*

**Bill Lee**-Gave Council an update on SB1525.

**Bill Lee**-Stated that the City is looking to go out for a request for proposal with the City of San Luis and the Town of Wellton.

**Bill Lee**-Explained that December 31<sup>st</sup>, 2011 will be the last day that the City will be able to charge for all the current impact fees that the City has.

10. **Discussion and possible direction on the future of animal control efforts within the City of Somerton.**

**Bill Lee**-Stated that the fee agreed to was \$32 per day for animals that the City would take to Humane Society. There will be \$25 processing fee.

**Bill Lee**-By the City having its own Animal Code Enforcement officers, the City will know which animals are within the City limits.

**Bill Lee**-The City will have its own animal facility at the Recycling Center.

**Bill Lee**-Stated that by having a payment system for people to get their animals the City will be saving these people money and have a better connection rate with the animals and their owners. The City will also avoid taking at least 25% - 40% of those animals to the Humane Society and the City won't have to pay the fees that the Humane Society will charge.

**Bill Lee**-Stated that the City will have to its own licensing.

**Mayor M. Porchas**-Believes that many residents are looking for a better service by taking this route the residents will be receiving a better service.

**Manuel Figueroa**-Stated that the goal is to educate residents and keep these animals within their property.

**Mayor M. Porchas**-Suggested starting a spaying and neutering program.

**Councilman J. Yopez**-Believes that education plays a big part just like the D.A.R.E. program and maybe the resource officer can start the registering, training, or the neutering part for the youth.

## **ADDENDUM**

### **11. Proposed Amendment / Update City Ordinance No. 243**

**Bill Lee**-Recommended for item to be moved to next meeting on December 20<sup>th</sup>, 2011.

Summary of current events by Mayor, Council Members and or City Manager, pursuant to A.R.S. §38-431.02(K). Provided that the public body does not propose, discuss, deliberate or take legal action on any matter in the summary.

**A motion to ADJOURN was made by Mayor Porchas. Motion approved 5-0.**

## **ADJOURNMENT**

**Meeting was adjourned at 9:10 P.M.**

  
**MAYOR MARTIN PORCHAS**

## **CERTIFICATION**

**I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Council Meeting for Tuesday, December 06, 2011.**

  
**CITY CLERK**