

CITY OF SOMERTON
MINUTES
REGULAR COUNCIL MEETING
OF THE CITY COUNCIL

7:00 P.M.

Tuesday, December 07, 2010

Council Members:

M. Porchas, Mayor (P)
A. Magaña, Vice-Mayor (P)
L. Ramirez (P)
G. Anaya (P)
M. Villalpando (A)
L. Galindo (P)
J. Yopez (P)

Staff:

B. Lee, City Manager (P)
L. Galaviz, Park & Rec. Dir (P)
B.B. Cotman, Int. Chief of Police (P)
S. Palacios, Int. Public Works Dir (P)
G.W. Hunt, City Attorney (P)
M. Figueroa, City Magistrate (A)
G. Halford, Admin. Svcs. Dir (P)
VACANT, Com. Dev. Dir (A)
P. De Anda, Fire Chief (A)

Mayor Porchas called the meeting to order at 7:01 p.m.

Pledge of Allegiance was led by Council member Ramirez and recited in unison.

The City Clerk took Roll Call. Council member Villalpando was absent.

PETITION OR COMMENTS BY THOSE CITIZENS PRESENT

Call to the Public:

NONE

CONSENT AGENDA

1. Minutes for Regular Council Meeting of November 02, 2010.
2. Minutes for Work Session for November 15, 2010.
3. Minutes for Regular Council Meeting of November 16, 2010.
4. Minutes for Work Session for November 22, 2010.
5. Minutes for Special Council Meeting of November 23, 2010.
6. Check Register for November 2010.

Mayor Porchas requested a motion on the consent agenda. Vice-Mayor Magana moved to approve the Consent Agenda with corrections done to Minutes of November 02, 15 and 22. Councilmember Galindo seconded the motion. All voted in favor of the motion. Motion passed.

OLD BUSINESS

All items are for discussion and possible action

1. **ORDINANCE 2010-005** AN ORDINANCE OF THE MAYOR AND CITY COUNCIL, AMENDING SECTION 19.16E STREET LIGHTING AND SECTION 19.21 PROTECTIVE FENCES TO ARTICLE 2-7 SECTION 19 OF THE SOMERTON SUBDIVISION ORDINANCE; AND SEVERABILITY
 - a.) Second Reading by Title Only
 - b.) Approval of Ordinance

Bill Lee-This is the second reading of this item.

Carmen Juarez-This Ordinance was presented to you for approval for the first time last August. At that time, Section 1, which is the Street Lighting part, was approved by you as presented. Council directed staff to come back with a revised section 2, which is the one you had several concerns. Some of these concerns were about the fences, height requirements. Staff has made some clarifications on this and it's in the new revised wording. Another concern was the construction of block walls before the Certificate of Occupancy was issued and who would be responsible for paying a portion of the cost. Our determination is to include a block wall around each lot as a standard condition of the subdivision approval and the cost will be the responsibility of the owner at the time of issuing the C of O.

Councilman Yopez-On Section A, is this for energy conservation? **Carmen Juarez**-Correct. Yes. **Councilman Yopez**-Any other phosphates or any other types of light bulbs are not going to be permitted? **Bill Lee**-Technology is changing all the time, if we found out that there were a more energy efficient style lighting we would bring that back. **Councilman Yopez**-Are we taking into consideration price, life-expectancy and brightness or just energy savings? **Bill Lee**-LED lights have proven to be very valuable to many municipalities around. Energy saving is probably the riding factor that we've been looking at.

Councilman Yopez-So, we've eliminated chain-link fence on the sides? **Carmen Juarez**-This is, specifically, about blocks. **Councilman Yopez**-As far as one of the residents wanting to put chain-link fence, even though it's from the set-backs on back to the back yard, is that going to be totally prohibited now? **Carmen Juarez**-Correct. For new subdivisions. It will be just masonry material. **Councilman Yopez**-I believe there were some questions regarding that. I understand there's more privacy when having block walls, but I think one of the concerns was the safety and keeping the dogs in the back. Sometimes, chain-link fences are more affordable. **Carmen Juarez**-If we look at the durability or the life-span of a chain-link fence versus a masonry wall.

Vice-Mayor Magana-Money-wise, what's the difference between a chain-link and a concrete wall? **Mayor Porchas**-Now-a-days, it's probably more expensive to put a chain-link fence because the tools out there many people don't know how to use them. A brick wall will beautify the area, the neighborhood and I think that's one of the things that we need to start looking at. **Vice-Mayor Magana**-The language that's there, is a brick fence allowed? **Carmen Juarez**-Yes, it is.

Laura Ramirez-So, before they can have the Certificate of Occupancy, they must have the fence done? **Carmen Juarez**-Correct. It will be a requirement.

Councilman Anaya-Was the idea passed making the lots required as a part of the subdivision approval instead of doing it a part of the C of O? **Carmen Juarez**-The revised wording says that it's going to be making it a part of the conditions of subdivisions. We have a list of standard conditions and this condition will be a part of this list of conditions.

Councilman Yopez-What's the regular block wall running for? **Adan Garcia**-Around \$25 a linear foot. About \$1,200 per side.

Mayor Porchas entered a motion on Ordinance 2010-005 with a Second Reading by Title Only. Mayor Porchas moved to approve Second Reading by Title Only. Council member Galindo seconded. All voted in favor of the motion. Motion passed. Mayor Porchas requested a motion on Approval on Ordinance 2010-005. Councilman Yopez moved to approve the Approval of Ordinance 2010-005. Councilwoman Ramirez seconded. All voted in favor of the motion. Motion passed.

2. Request from Arcadis for increase in original contracted fee amount.

Jim Conlee-When we made our original proposal, in January of this year, for nearly \$70K, to recompense Arcadis for the items that you see. Council requested that we provide documentation and come back with the documentation and with the possible revision. Since it was in January, we had not yet completed the loan from rural development and we were just starting the renovation projects, the installation of the new blowers, installation of the temporary belt press and renovations to the outer-control system. I took quite a bit of time.

Councilman Yopez-So, the renovation was from what time to what time? **Jim Conlee**-We first met with staff in December of 2009 when it became apparent that the loan from USDA was not forthcoming. We went to bids in January. The project started in February. It was about a 90 day project.

Councilman Yopez-I was under the assumption that because you were doing those works and that all that was included and at no point I feel that later on you were going to come with a separate bill. **Jim Conlee**-When we went from the first meeting in July of 2008 until we got approval in July of 2010, there's just no way for us to absorb those costs. Had they run concurrently, not a problem. I believe that since the project is a year behind, through no fault of anyone in this room. It's them.

Councilman Anaya-Was any of this done for as cost savings measures to the city? Because I'm looking at the contract and there's a section there that says that any cost savings measures to the city is incidental to the design and reveals of documents. Why were these additional renovations presented? **Jim Conlee**-Had the construction gone according to schedule, the renovations could have been done in concert with the construction. We thought, in October of 2009, that the loan was going to be approved before the end of the year.

Councilwoman Ramirez-This was a temporary deal until everything went through and then we knew that we were going to have this equipment and eventually we would try to sell it or we were going to try to rent it out.

Mayor Porchas-I see no problems with the renovations because it benefits the city, but the other charge for the WIFA loan and the other loan. If I would've known I was going to get charged, I would've made the decision to stop CMAR and let's do it ourselves.

Mayor Porchas-Have we tapped into those contingency funds? **Jim Conlee**-\$5K out of the owner.

Councilman Yopez-Are there any other jobs being performed that are outside the scope of work that we don't know about? **Jim Conlee**-No.

Councilman Anaya-On the renovations, I would like to see the original you submitted to council to see what was charged.

Councilwoman Ramirez-Is the project on or slightly ahead of schedule? **Jim Conlee**-We've finished two 60' clarifiers in 90 days. **Councilwoman Ramirez**-So, there will be no additional hours later on? **Jim Conlee**-No.

Vice-Mayor Magana-You're only asking the approval of \$30K in your recommendation? **Bill Lee**-The contract itself that was requested.

Mayor Porchas requested a motion for an increase in original contracted fee amount for Arcadis for \$30K. Council member Yopez moved to approve contracted fee amount increase. Vice-Mayor Magana seconded. All voted in favor of the motion. Motion passed.

3. ORDINANCE 2010-007 AN ORDINANCE OF THE CITY OF SOMERTON, ARIZONA, AMENDING THE TAX CODE CITY OF SOMERTON BY ADOPTING CHANGES TO CHAPTER 8A, AND REGULATIONS 8A RELATING TO THE PRIVILEGE LICENSE TAX; SELF-COLLECTION OF TAXES, BY REFERENCE; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR SAVINGS CLAUSE; AND PROVIDING FOR REPEAL.
 - a.) Second Reading by Title Only
 - b.) Approval of Ordinance

Gary Halford-Made public record of the proposed changes to the city tax code for self collection of city sales tax and this was approved on November 16th. The Ordinance was presented and approved for reading by title only during November 16th, 2010.

Mayor Porchas entered a motion on Ordinance 2010-007 with a Second Reading by Title Only. Vice-Mayor moved to approve Second Reading by Title Only. Council member Anaya seconded. All voted in favor of the motion. Motion passed. Mayor Porchas requested a motion on Approval on Ordinance 2010-007. Vice-Mayor Magana moved to approve the

Approval of Ordinance 2010-005. Councilman Yepez seconded. All voted in favor of the motion. Motion passed.

NEW BUSINESS

All items are for discussion and possible action

1. Presentation for approval of the City of Somerton 2010 General Plan Update.

Carmen Juarez-RBF Consulting have been managing the entire process and they're here to present the final result for your approval.

Steve Hohlin-It's been done on time and on budget with a lot of input from your citizens, staff and many of you.

Steve Hohlin-One of the questions we asked Somerton's youth was, "What are you planning to do when you graduate?" 80% of the youth identified that they were going to leave for college and that they were coming back to Somerton after graduation. So, 80% of Somerton's youth expect to go to college.

Steve Hohlin-We've made some changes in your implementation plan to allow you as the council and you as the city if that once in a life time thing comes along that doesn't fit into this General Plan we've given you an out.

Steve Hohlin-We've not only added a number of things, we moved some things around. We added a lot of elements.

Bill Lee-Could you outline for us those recommended changes from the Planning & Zoning Commission? **Steve Hohlin**-Most of the changes had to do with minor number and text changes.

Mayor Porchas-We can still annex? **Steve Hohlin**-You can still annex anything you want. There's nothing here that prevents you from annexing.

PUBLIC HEARING

Mayor Porchas entered a motion to go into Public Hearing. Council member Yepez moved to approve Public Hearing. Vice-Mayor Magana seconded. All voted in favor of the motion. Motion passed.

Mayor Porchas entered a motion to approve the City of Somerton 2010 General Plan Update. Councilman Yepez moved to approve 2010 General Plan Update as presented and direction for staff to make a resolution to this matter. Councilman Anaya seconded. All voted in favor of the motion. Motion passed.

2. RESOLUTION 2010-022 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SOMERTON, ARIZONA REPLACING RESOLUTION NO. 2009-037 AND AUTHORIZING THE USE OF LOCAL TRANSPORTATION FUNDS (LTAF II) FOR FISCAL YEAR 2011

Gary Halford-In past years, the City of Somerton has participated and supported the YCAT and Dial-A-Ride with the use of LTAF II fund, which were provided through the lottery from the state. We received a couple of communications from YMPO and they identified that there's still funds left over from 2010 in the amount of \$9,404.57. They're asking the City of Somerton to approve a new Resolution authorizing YMPO to obtain these funds.

Mayor Porchas entered a motion on Resolution 2010-022. Councilman Anaya moved to approve Resolution 2010-022. Vice-Mayor Magana seconded. All voted in favor of the motion. Motion passed.

3. Discussion and possible approval to enter into Power Purchase Agreement with SPP DG DEV, LLC.

Bill Lee-Our rating is stable and there were some issues relating to some comments that they made. One was the high rate of unemployment in our community.

Bill Lee-For the last week, we've been trying to get this agreement put in place and get it before you. There's being a number of issues. The real concern I have, when Bruce presented this analysis, he said he was going to save the city approximately \$3M-\$5M on a 30 year period. Their estimates were that we would only save \$269K.

Bill Lee-The other part of this, is that we end up paying more for the first 10 years. We ended up paying \$7K more the first year in electric costs. That was never part of the deal to begin with. If we enter into a 30 year contract, in 5 years from now the technology changes but we're locked into a 30 year project and we can buy something cheaper.

Mayor Porchas-Talk to Bruce and see how the numbers are. If they're similar to what he presented, but not like this.

Jerry Hunt-On this contract right now, we're still negotiating some terms.

Councilman Yopez-I'm not ready to make a decision that's going to impact the community. I think that for somebody to honestly do an independence study or report us it's got to be somebody away from us that's got no interest in either way.

Mayor Porchas requested to move agreement to a future meeting. No motion taken.

4. Direction and possible action to contract with Burns & McDonnell.

Bill Lee-This agreement is the city potentially going out and bonding \$1.4M through qualified energy bonds. We expect to be able to sell at 2% interest. Combined with our

Community Development bond grants of \$259K. If we move forward with this, we got to make payments back. I don't want the city to borrowing those monies and then find out that we're actually being in a hole. The cost is \$12K for this analysis.

Councilman Yopez-Regardless on what happens with that solar, is going to get hooked up to power out there, correct? **Bill Lee**-There's an inter-connection. You're always connected.

Councilman Yopez-Revenues are down and there's other things we can do right now. I'm more concerned of right now not so much the long run.

Bill Lee-There is going to be some electrical savings and we're going to be able to expand the kilowatt hours that we can put on there because of the incentives. Do some more research.

ADDENDUM

6. RESOLUTION 2010-024 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SOMERTON, ARIZONA, APPROVING AND ADOPTING A CITY PARKS/RETENTION BASIN POLICY

Louie Galaviz-One of the things that I've seen is the utilization of open spaces. We have a lot of retentions that really have no use other than retaining water. We like to hopefully change that where when developers come in we can actually do something that will be useful for the community and the neighborhood itself.

Councilwoman Ramirez-I'm glad that you are presenting us with because this was a concern of mine.

Mayor Porchas requested to move item to next meeting. No motion taken.

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.

NONE.

A motion to ADJOURN was made by Mayor Porchas. Motion approved 6-0.

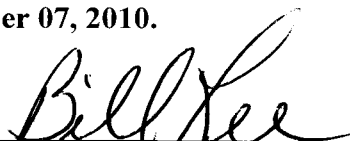
ADJOURNMENT

Meeting was adjourned at 10:25 P.M.


MAYOR MARTIN PORCHAS

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of Tuesday, December 07, 2010.



CITY CLERK