

**REGULAR MEETING OF THE
TOWN OF KEARNY TOWN COUNCIL**

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Town Council of the Town of Kearny and the general public that the Town Council will hold a Regular Meeting that is open to the public on Monday, August 19, 2019, beginning at 7:30 p.m., at the Kearny Town Hall, 912-C Tilbury Drive, Kearny, Arizona.

COUNCILMEMBERS PRESENT

Mayor	Debra Sommers
Vice Mayor	Daniel Radcliffe
Councilmember	Rose Bradford
Councilmember	Nancy Hinojos
Councilmember	Rudy Flores
(Telephonically) Councilmember	Samantha Misita
Councilmember	Sheila Stephenson

TOWN STAFF PRESENT

Town Manager	Anna Flores
Town Clerk	Martina Burnam
Town Attorney	Stephen Cooper

VISITORS PRESENT

2 Men they did not sign in.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Sommers called the meeting to order at 7:30 p.m. followed by the Pledge of Allegiance.

ROLL CALL

Mayor Debra Sommers requested Town Clerk, Martina Burnam, to call the roll. Quorum was present.

APPROVAL OF MINUTES FOR:

Regular Meeting July 15, 2019

Motion by Councilmember Stephenson, **second** by Councilmember Bradford to approve the Minutes for Regular Meeting July 15, 2019. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED.**

PETITIONS, CORRESPONDENCE AND COMMUNICATIONS

1. Call to the Public. -NONE BROUGHT FORTH

NEW BUSINESS

**APPROVAL OF ORDINANCE NO. 19-211 AN ORDINANCE AMENDING
ORDINANCE 2-4-1, RELATING TO THE TIME OF THE MONTHLY REGULAR
TOWN COUNCIL MEETING, AND DECLARING AN EMERGENCY**

The Town of Kearny has a desire to change the time of its monthly Regular Meeting which currently set for the third Monday of each month at 7:30 p.m. The Town of Kearny has determined that the starting time of the Regular Meeting at 7:00 p.m., would be beneficial to the citizens of the Town of Kearny, therefore, be it ordained by the Mayor and Council of the Town of Kearny, Arizona, that the code of ordinances of the Town of Kearny, Arizona, is Chapter 2, Section 2-4-1 of the Kearny Town Code is amended as follows:

Section No. 1:

Section 2-4-1 Regular Meetings

All regular meetings of the Town Council shall be held on the third Monday of each month at 7:00 p.m., at the Town Hall building located at 912-C Tilbury Road, Kearny, Arizona. The Mayor may designate an alternative location for Council Meetings. The passage of this ordinance is necessary for the immediate preservation of the peace, health and safety of the Town of Kearny and an emergency is declared to exist and this Ordinance is effective immediately upon passage by the Kearny Town Council.

It is recommended the approval of Ordinance No. 19-211 an Ordinance amending Ordinance 2-4-1, relating to the time of the monthly regular Town Council meeting and declaring an emergency.

Councilmember Misita asked why we need to declare an emergency? Mayor Sommers explained so that we can begin next month. Councilmember asked and if we don't declare an emergency? Town Attorney Cooper explained we would have to wait 30 days till we can have a meeting at that time.

Motion by Councilmember Bradford, **second** by Councilmember Hinojos to approve the Ordinance 19-211 Amending Ordinance 2-4-1, relating to the time of monthly regular town council meeting and declaring an emergency. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED**

**APPROVAL OF THE KEARNY POLICE DEPARTMENT AS A RECIPIENT OF THE
100 CLUB OF ARIZONA'S SAFETY ENHANCEMENT STIPEND AWARDS FOR THE
2ND QUARTER OF 2019, IN THE AMOUNT OF \$14,612.49 FOR THE PURCHASE OF
12 TASERS WITH HOLSTERS**

An award letter has been sent from the 100 Club for the Kearny Police Department in the amount of \$14,612.49, for the purchase of 12 tasers with holsters. This stipend was made possible due to funding received from the Bob & Renee Parsons Foundation.

The equipment must be ordered within 60 days of notification of the stipend approval, which is by September 17, 2019. The Town of Kearny must be responsible for the payment of the purchase of the tasers and then the Town will be reimbursed within 14 days of receiving the paid invoice and current W-9 form. The 100 Club will coordinate with the Town of Kearny a check acceptance meeting and a photograph. A stipend report is due by December 31, 2019 or prior to applying for a new stipend within the same funding year. Failure to submit the report will disqualify the agency from future SES funding.

It is recommended for approval the funding by the Town of Kearny for 12 tasers with holsters, in the amount of \$14,612.49 and then reimbursement will be made by the 100 Club to the Town of Kearny for the full amount

Motion by Councilmember Stephenson, **second** by Vice Mayor Radcliffe to approve Kearny Police Department as recipient of the 100 Club of Arizona's Safety Enhancement Stipend Awards for the 2nd Quarter of 2019, in the amount of \$14,612.49 for the purchase of 12 tasers with holsters. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED**

APPROVAL OF LETTER OF CONCURRENCE BETWEEN THE PINAL REGIONAL COMMUNICATIONS CONSORTIUM AND THE TOWN OF KEARNY

A letter of concurrence (LOC) has been sent between the Pinal Regional Communications Consortium (PRCC) and the Town of Kearny. This LOC grants permission to the Town of Kearny to have PRCC radio channels/talk groups programmed on their radios for the use of permitted interagency radio communications.

This LOC imposes certain protocols, procedures, and obligations upon users authorized to use the participating agencies' licensed channels/talk groups, as outlined in this LOC and noted within the policies of the Pinal County Radio Communications System (PCRCS). The PRCC will maintain a database with all of the agencies that have signed this LOC. The parties mutually agree this LOC may be cancelled by either party at any time, by 30 days written notice to the other party. This LOC may be amended only by subsequent written agreements signed by both parties. This LOC contains the entire understanding and agreement of the parties.

It is recommended for approval a letter of concurrence between the Pinal Regional Communications Consortium and the Town of Kearny.

Councilmember Bradford asked who are all the agencies involved, Pinal County Sherriff's Office? Town Manager Flores said yes, those that have radio communications and DPS.

Motion by Councilmember Stephenson, **second** by Councilmember Flores to approve a letter of concurrence between the Pinal Regional Communications Consortium and the Town of Kearny. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED**

APPROVAL OF ORDINANCE NO. 19-212 REGARDING AMENDING ORDINANCE 99-148, BANNING THE DESTRUCTION, MUTILATION OR DAMAGE TO AIRPORT PROPERTY, CREATING PENALTIES FOR VIOLATIONS THEREOF, AND DECLARING EMERGENCY

Ordinance No. 19-212 banning the destruction, mutilation or damage to the airport property, creating penalties for violations and declaring an emergency.

The Town of Kearny has previously passed Ordinance 99-148, **BANNING THE DESTRUCTION, MUTILATION OR DAMAGE TO AIRPORT PROPERTY**, which added Section 10-1-25 through 10-1-27. Recently, we have discovered that other Town Ordinances currently have been assigned Kearny Town Code Sections 10-1-26, and 10-1-27 in the Town Code which deal with drones, smoking and vaping.

We are asking the Town Council to approve this Ordinance which shall amend Ordinance 99-148 to reflect a violating of Kearny Town Code Section 10-1-25, 10-1-25.1 and 10-1-25.2. The renumbering of these Town Code Sections shall have the effect of properly renumbering all Town Code offenses.

Councilmember Bradford asked what happened, someone assigned the same codes? Town Manager explained the Town Code Books numbering were not kept up. The 10-1-25 for Drones, 10-1-26 was the Vaping and Smoking.

Motion by Vice Mayor Radcliffe, **second** by Councilmember Stephenson to approve amending Ordinance 99-148 to reflect a violating of Kearny Town Code Sections 10-1-25, 10-1-25.1 and 10-1-25.2. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED**

POSSIBLE DISCUSSION AND POSSIBLE APPROVAL OF A LETTER OF SUPPORT REQUESTING ADOT'S APPROVAL TO ALLOW PINAL COUNTY TO INSTALL NEW SIGNS REGARDING THE ARIZONA NATIONAL SCENIC TRAIL FOR THE TOWN OF KEARNY

A letter is needed, in support from Mayor Sommers requesting ADOT's approval to allow Pinal County to co-locate the Arizona National Scenic Trail signs in Kearny, to what has been allowed in the Oracle and San Manuel areas. Letters are included from Supervisor Pete Rios and Superior Mayor Mila Besich, along with the email from Kent Taylor, from the Pinal County Open Space and Trails.

Pinal County will coordinate the application for the signs and fund the cost of the signs, along with the installation.

It is recommended for approval a letter of support from Mayor Sommers requesting ADOT's approval to allow Pinal County to install new signs regarding the Arizona National Scenic Trail for the Town of Kearny.

Councilmember Misita asked what is wrong with the signs now? Town Manager Flores said, ADOT is saying they don't know who put up the signs and they are not up to ADOT standards. Councilmember Misita stated that the Arizona Trail Association put the signs up and asked what are they going to do with the current signs. Town Manager Flores said she didn't know, but they will be removed. Councilmember Hinojos asked if the new signs are going under the Kearny ADOT highway sign. Town Manager Flores stated yes. Pinal County is going to pay for the installation and the purchase of the signs. Town Manager will reach out the Mr. Taylor to inquire about the old signs.

Motion by Councilmember Bradford, **second** by Councilmember Misita to approve a letter of support from Mayor Sommers requesting ADOT's approval to allow Pinal County to install new signs regarding the Arizona National Scenic Trail for the Town of Kearny. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED**

POSSIBLE DISCUSSION AND POSSIBLE APPROVAL OF ARIZONA DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT GRANT AGREEMENT NO. FMS 16-8604 AND THE TOWN OF KEARNY REGARDING THE FMA HAZARD MITIGATION GRANT PROGRAM IN THE AMOUNT OF \$69,750

Handouts of the master agreement, the original plan, the narrative, project scope, the project schedule and the project budget, for the Kearny Fuels Reduction Project. Attached is a map of the areas that will be treated.

The purpose of the agreement is to let the Town know that State Forestry is a primary recipient of grant funds provided by the United States Department of the Homeland Security's Federal Emergency Management Agency (FEMA) to support specific projects to mitigate losses to wildland fire in Arizona.

The scope of work is to conduct mechanical fuels reduction treatments on six Town of Kearny parcels total 105 acres. Parcels range in size from just over 5 acres to 46 acres. The typical fuels on these parcels are mostly composed of native mesquite and non-native salt cedar, along the Gila River floodplain.

These acres will have mechanical fuels reduction work, such as grubbing and mastication, to control salt cedar regrowth after the Kearny River Fire in June of 2015.

A contractor will be selected through a standard procurement process to complete the grubbing and mastication work on the 105 acres. Arizona Department of Forestry and Fire Management 20-person hand-crew provided fuels reduction work in areas that are inaccessible to machinery. Fuels reductions work by the hand-crew was completed by chainsaw and hand tools. To date, all hand thinning works have been completed.

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The project schedule is included with the work beginning October 1, 2019 and ending by February 11, 2020, along with the total project budget with the grant share totaling \$69,750, with a hard match by the Town of Kearny at approximately \$7,000 and an in-kind match totaling \$2,020.

Councilmember Bradford asked to clarify when stated as “Hard Cash” does that mean that is the money we have to pay up front? Town Manager Flores answered correct. Councilmember Bradford stated she thought the last time he (State Forestry Dept.) was here he stated we could pay “in-kind”. Town Manager Flores said when he was here, we talked about the hard cash including the use of loader and using the town dump truck and part Town Manager’s salary. The project manager will be Raymond and Kenney will be doing work on the loader. The willow flycatcher will not be impacted by this work.

Councilmember Misita asked if there was going to be any kind of spraying to prevent regrowth of the weeds. Town Manager Flore said no, it is only going to be the grubbing and mastication. They did not talk about any kind of spraying. Vice Mayor asked if we can ask if they were going to anything like that. Town Attorney Cooper talked about an article of a beetle making its way into our habitat and will possibly rectify the overgrowth of Tamarisk and Salt Cedar. Town Manager Flores stated the Winkelman Natural Resource Conservation District is writing a grant for restoration once the mastication and grubbing is done. Town Manager Flores said she would definitely call the Department of Forestry tomorrow and ask why spraying is not included. They will mulch all piles of grubbing and mastication.

Motion by Councilmember Bradford, **second** by Councilmember Stephenson to approve Arizona Department of Forestry and Fire Management Grant Agreement No. 16-8604 and the Town of Kearny regarding the FMA Hazard Mitigation Grant Program in the amount of \$69,750. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED**

RAY HIGH SCHOOL STUDENT COUNCIL REQUEST FOR HOMECOMING PARADE STREET CLOSURES ON FRIDAY, SEPTEMBER 13, 2019 AND REQUEST APPROVAL FOR BONFIRE TO BE HELD ON SEPTEMBER 26, 2019, AT PIONEER DAY PARK

The Ray High School Student Council is requesting permission for a street closure for the Homecoming Parade which will be held on Friday, September 13, 2019. It is scheduled to start at 4:00 p.m. The route for the parade would start at the Kearny Library and end at the General Kearny Inn, as shown on the map.

They are also requesting permission to hold a bonfire at the Pioneer Day Park in honor of the rivalry football game against Hayden. The date for the bonfire is scheduled for Thursday, September 26, 2019. The certificate of Insurance is provided for both activities.

Savannah Ortiz is present for questions and assured the town council there will be cleanup after each event.

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Councilmember Bradford asked if the bonfire is just for the Ray-Hayden game? Miss Ortiz stated yes and the student council will clean-up the area prior and after the bonfire.

Councilmember Misita asked if she can guarantee everyone will behave. Miss Ortiz stated she hoped so. Councilmember Bradford asked if people just bring her lumber to the park? Miss Ortiz stated she believes there is a spot at Pioneer Park for them.

Motion by Councilmember Stephenson, **second** by Councilmember Bradford to approve the street closure on Friday, September 13, 2019 from Kearny Library to General Kearny Inn beginning 4 PM till after parade and approval for use of Pioneer Park on September 26, 2019 for a bonfire. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED**

APPROVAL OF ACCEPTANCE OF A DONATION FROM THE MILITARY SURPLUS PROGRAM

Police Chief Kenney has received a donation from the military surplus program of the equipment listed below. Town Manager recommends the town council to accept the equipment as it comes to the department free of charge.

The Town of Kearny has been awarded the following equipment:

1. 1 Manlift

Town Manager Flores stated there is a picture and that once we get it, we will never have to borrow or pay for or rent one again. Councilmember Bradford said we will never lend this out. Town Manager Flores thought we could rent it out. Mayor Sommers said this is just in time for Christmas decorations.

Motion by Councilmember Stephenson, **second** by Councilmember Bradford to approve the acceptance of a donation from the Military Surplus Program of 1 manlift. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED**

INFORMATIONAL ITEMS

On Monday, Highway User Rural Fund recently released David Cook's bill where any rural community with population under 7,500 and the Town of Kearny was awarded \$197,802.20.

Mayor Sommers asked if this was on top of what was budgeted. Town Manager Flores confirmed that is on top of ours funding. So, we will be able to do some street projects. We just have to confirm with Southwest Gas to make sure they don't have any projects that will conflict with ours. Town Manager Flores has a meeting in September to discuss the projects.

REPORTS

- a. Town Financial Reports
- b. Police Department
- c. Library
- d. Fire Department
- e. Recreation Department
- f. Kearny Airport
- g. Ambulance

Motion by Councilmember Stephenson, **second** by Councilmember Bradford to approve reports provided. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED**

EXECUTIVE SESSION

Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding records exempt by law from public inspection regarding evaluation of ambulance enterprise and evaluation of ambulance services to the public pursuant to A.R.S. 38-431.03(A)(2), (3) and (4).


EXECUTIVE SESSIONS START TIME 8:05 PM

Motion by Vice Mayor Radcliffe, **second** by Councilmember Stephenson to enter into Executive Session for 45 minutes. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED**

EXECUTIVE SESSION END TIME 8:50 PM and Adjourned

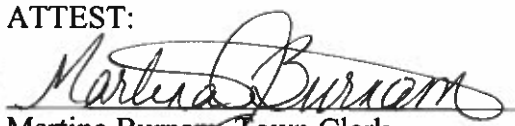
Motion by Councilmember Bradford, **second** by Councilmember Stephenson to adjourn Executive Session and proceed as regular session and adjourn. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED**

REGULAR SESSION ADJOURNMENT: TIME 8:50 PM


Debra Sommers, Mayor


Anna Flores, Town Manager

ATTEST:


Martina Burnam, Town Clerk