

**TOWN OF KEARNY
SPECIAL MEETING MINUTES**

**A SPECIAL MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEARNY,
ARIZONA, AT THE KEARNY TOWN HALL LOCATED AT 912-C TILBURY DRIVE
ON TUESDAY, FEBRUARY 20, 2018, AT 7:30 P.M.**

COUNCILMEMBERS PRESENT

Mayor	Debra Sommers
Vice Mayor	Daniel Radcliffe
Councilmember	Rose Bradford
Councilmember	Rudy Flores
Councilmember	Nancy Hinojos
Councilmember	Samantha Misita

TOWN STAFF PRESENT

Town Manager	Anna Flores
Town Clerk	Cathy Woolery
Town Attorney	Steve Cooper

VISITORS PRESENT

Tino Flores	James Ruiz
Gwen Dinwiddie	Chris Misita
Carol Lewis	Michael Carrillo

CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

INVOCATION

Father George Kunnel of the Infant Jesus of Prague Catholic Church delivered the invocation.

ROLL CALL

Mayor Sommers requested Town Clerk, Cathy Woolery, to call the roll. Quorum was present.

APPROVAL OF MINUTES

Motion by Councilmember Bradford, **second** by Councilmember Flores to approve minutes from the Special Meeting January 16, 2018 and Special Meeting February 7, 2018. **Vote** - All members voted in favor. **MOTION PASSED.**

CALL TO THE PUBLIC

Mayor Sommers announced call to the public. Gwen Dinwiddie requested the Town of Kearny post on social media the meeting times and dates of meetings we have. She stated we had a meeting on February 7th that she did not know anything about. Town Clerk Cathy Woolery explained the agendas are posted on the Town website but not on social media. Gwen asked the Council if they would consider social media. Mayor Sommers said it will be considered.

PRESENTATION BY JAMES RUIZ REGARDING FIBER OPTICS

Town Manager Anna Flores explained James Ruiz of CNSI is giving a presentation on fiber optics. James provided a welcome letter and contract template for fiber optics. He is not seeking action but just providing information tonight. He explained that his LAN line company, 3J

Special Meeting

Page 2

February 20, 2018

Communications, LLC, is wanting to deliver fiber-optic services to the small communities. He has been working with Superior with no progress as a pilot center but is moving pilot to Kearny. He says he cannot get response from the Town Manager Pryor or attorney in Superior in moving forward. He is hoping for a different outcome from Kearny. They are ready to start hanging some fiber. They cannot get pole agreements with APS and Century Link until he has use of the right away. Then he can start with utility agreements and hang the fiber. Councilmember Bradford stated she will be glad when he gets it going. The agreement in the packet is a final agreement, and Town Attorney Steve Cooper can make changes as needed. It is pretty standard and will be happy to make adjustments. He feels they can bring a quality product to Kearny. Councilmember Misita asked what poles they will use. James stated mostly APS poles, but some would be CenturyLink. Councilmember Misita asked about the old cable lines that are hanging. He said it is possible for reuse of some of those lines and they are looking into that. They fall under the FCC category which has different guidelines than cable. They are not allowed to reuse those cable lines but can request to remove them. Councilmember Bradford asked who he needs to get the permission from for removal. James explained it is the Town's asset now and responsibility because Eagle West is defunct and insurance time has lapsed. He has included insurance information in the contract he has provided for that reason. The old cable can be used to a certain extent where you overlap new cable over it and do a cleanup but removing it would be way too expensive with extra labor costs and boom trucks. Councilmember Hinojos confirmed that they will be hanging wire and is there anything in the contract about removal and being responsible for that if something happened to his company. James stated if they go out of business there is protection in the contract for that and insurance clauses. James explained to Town Attorney Steve Cooper that he is presenting the contract to Kearny for Phase 2, and then Phase 3 will be Hayden, and Phase 4 Winkelman. Attorney Steve Cooper stated he was authorized to send comments on the agreement for Superior to so he sent those to James' attorney. Steve also expressed if they could get a uniform contract for every municipality then that would be in everyone's best interest. James agreed and will review Mr. Cooper's comments and then those changes can be incorporated. Attorney Steve Cooper said he has not seen any comments on fees for use of the pole in Superior agreement so not sure what he is proposing on that. James stated that the pole usage would be for APS, and he was told by APS that he would pay them. Steve said that Kearny has ownership of all the street lights if they would be using them. James said they may be using the street lights just for the pole itself. Steve said whatever the agreement is with APS then those numbers would probably be something Kearny would look at. Steve also mentioned restoration of the right of way to the way it was before and did not see that in the contract, but it is usually in the right of way permit. Also, Steve requested that please don't cut up the pavement. James stated they are trying to avoid underground and not a lot in Kearny that would be underground. James explained they acquired the strip mall across the tracks and will use one of the suites for backup power with fiber terminating at that building. Chris Misita asked if the fiber is going to be dependent on CenturyLink fiber. James explained they have three providers – SRP comes from Superior, CenturyLink comes from Hayden, and they will have microwave overlaid over the whole path.

DISCUSSION AND POSSIBLE APPROVAL OF COOPERATIVE AGREEMENT FOR RANGE USAGE WITH THE COPPER BASIN SPORTSMEN'S CLUB AND THE TOWN OF KEARNY

Town Manager Anna Flores explained the Kearny Police Department is requesting authorization to utilize the Copper Basin Sportsmen's Club Ranges for Firearms Qualification Training. A Cooperative Agreement outlines the criteria to be met for the range usage. Vice Mayor Radcliffe asked if they had done this in the past. Councilmember Misita is glad that they are getting qualified. Mayor Sommers stated they have always been qualified and they would go to Mammoth to do it when they didn't use the range here.

Motion by Councilmember Misita, **second** by Councilmember Radcliffe to approve Council Letter No. 1612. **Vote** - All members voted in favor. **MOTION PASSED.**

APPROVAL OF DONATION OF A VEHICLE FOR THE KEARNY POLICE DEPARTMENT FROM THE MILITARY SURPLUS

Town Manager Anna Flores explained the information presented is regarding the donation of a vehicle for the Kearny Police Department which would be used in case of emergencies – especially fires or floods. Councilmember Misita asked what the Military Surplus is. Anna explained it is a website which has all different types of donated equipment and vehicles posted where you can get them.

Motion by Councilmember Bradford, **second** by Councilmember Hinojos to approve the donation of the vehicle to the police department from the online military surplus. **Vote** - All members voted in favor. **MOTION PASSED.**

DISCUSSION AND POSSIBLE APPROVAL OF 4TH AMENDED RESTATED AMRRP MEMBERSHIP AGREEMENT

Town Manager summarized that this AMRRP agreement has to be signed and retuned with the notification letter. The Risk Pool is updating membership agreements along with the signatories because they haven't been revised recently. Attorney Steve Cooper expressed that because it is the risk pool and they have all their lawyers we don't have a lot of bargaining power. It is approved by the Board of Trustees, so in theory there are other communities who have attorneys who have looked at it to try to come to some agreement that those terms will be acceptable to member cities and towns. Councilmember Misita asked if there is anything bad in the agreement. Steve Cooper said it is one of those things that we shall see. The comment is because we at some point we would want them to come back and survey our insurance to make sure we have appropriate coverage with the deductible, how much, the cost to get additional coverage, and do we have what we want. Councilmember Bradford asked about the title - 4th Amended Restated. Steve said it has probably been the 4th amendment to the original agreement but restated means they restate the original one with changes in it. Councilmember Bradford asked about us having to go with this. Steve Cooper explained there was a time when Kearny had the risk pool and they did not cover a claim. Kearny went elsewhere for about three years, but it was not really competitive getting this coverage in the market, so this is probably the best deal for the amount for municipal coverage.

Motion by Councilmember Bradford, **second** by Councilmember Misita to approve this possible approval of the 4th Amended Restated AMRRP Membership Agreement. **Vote** - All members voted in favor. **MOTION PASSED.**

APPROVAL OF INTERGOVERNMENTAL AGREEMENT WITH PINAL COUNTY TO CONDUCT COUNCIL ELECTIONS

Town Manager Anna Flores presented an Intergovernmental Agreement with Pinal County for election services for the Fall 2018 election. They will provide election services, including ballots, tally official results, use of election equipment, create an election board and provide registers of qualified electors.

Motion by Vice Mayor Radcliffe, **second** by Councilmember Bradford to approve the Intergovernmental Agreement with Pinal County to conduct Council elections. **Vote** - All members voted in favor. **MOTION PASSED.**

REQUEST APPROVAL TO SUBMIT AN ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY GRANT FOR A LAW ENFORCEMENT VEHICLE IN THE AMOUNT OF \$45,000

Town Manager Anna Flores stated the attached request is from Chief Kenney for submittal of a grant proposal to the Arizona Governor's Office of Highway Safety for a law enforcement vehicle in the amount of \$45,000. Councilmember Bradford asked if there are other people trying for the same vehicle. Town Manager Anna Flores stated yes and it is very competitive, but he is seeking approval to submit the grant proposal.

Motion by Councilmember Bradford, **second** by Vice Mayor Radcliffe to approve the submittal to the Arizona Governor's Office of Highway Safety Grant for a law enforcement vehicle in the amount of \$45,000. **Vote** - All members voted in favor. **MOTION PASSED.**

REQUEST APPROVAL TO SUBMIT AN ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY GRANT FOR A SPEED TRAILER IN THE AMOUNT OF APPROXIMATELY \$6,000

Town Manager Anna Flores explained Chief Kenney is requesting approval to submit a grant proposal to the Arizona Governor's Office of Highway Safety for a speed trailer in the amount of \$6,000. Councilmember Misita asked what a speed trailer is. Vice Mayor Radcliff stated it is the black trailer that sits on the side of the road and tells you how fast you are going.

Motion by Councilmember Misita, **second** by Councilmember Flores to approve the request to submit for the grant for the speed trailer. **Vote** - All members voted in favor. **MOTION PASSED.**

REVIEW AND APPROVAL OF CAPITAL PROJECTS

Town Manager Anna Flores summarized a list of capital projects the Council has reviewed in the past which cover municipal services provided to the local residents and projects that will be necessary to maintain Kearny as a progressive community in the next five to 10 years. Since the repair, sealing, and maintenance is a high priority for our streets, the RTA Committee recommended this be placed on the Council agenda for review and approval so we can receive the funding, and hopefully we won't have to pay for a study in the amount of \$125,000. This serves as our transportation plan. Councilmember Misita asked what hopefully means and does that means we still may have to do the study. Mayor Sommers explained we still may have to because the committee is just doing this as they go along, but she and Anna are arguing against

the study and doing everything they are asking of us. Town Manager Anna Flores stated on March 7th she will go back to the RTA board with Ramon Camacho and take the report and let them know.

Motion by Councilmember Misita, **second** by Vice Mayor Radcliffe to approve the capital projects. **Vote** – All members voted in favor. **MOTION PASSED.**

INFORMATIONAL ITEMS

Town Manager Anna Flores announced Pioneer Days are March 15th – March 18th. Also, if those councilmembers who are planning or not planning on attending Legislative Day can please let her know.

REPORTS

Mayor Sommers asked if there was any discussion on the reports. No discussion.

Motion by Councilmember Bradford, **second** by Councilmember Hinojos to accept the reports. **Vote** – All members voted in favor. **MOTION PASSED.**

ADJOURNMENT

Motion by Councilmember Bradford, **second** by Councilmember Radcliffe to adjourn. **Vote** – All members voted in favor. **MOTION PASSED.** Meeting was adjourned at 8:14 p.m.



Debra Sommers, Mayor



Anna Flores, Town Manager

ATTEST:



Cathy Woolery, Town Clerk