



“The mission of the City of Safford is to make Safford
a great place to live, work, and visit”

**CITY OF SAFFORD - JOINT CITY COUNCIL & PLANNING AND ZONING
COMMISSION
WORK SESSION MINUTES
MONDAY, October 29, 2012 @ 6:00 PM
PHELPS DODGE ROOM - LIBRARY**

COUNCIL PRESENT: Wyn “Chris” Gibbs, Mayor; Mary Bingham, Vice Mayor; Council Member’s Ken Malloque, Gene Seale, Arnold Lopez, James D. Howes, and Richard Ortega.

PLANNING AND ZONING COMMISSION PRESENT: Gene Fowler, Chairman; Diane Junion, Vice Chair; and, Commissioners Dalton Overstreet; James F. Moser P.E.; Gherald L. Hoopes, Jr.; E.C. “Buff” Cunningham, III; and Chad Crockett.

STAFF PRESENT: David Kincaid, City Manager; Sandra Findley, Executive Secretary; Christine Fisher, Personnel Director; John Griffin, Police Chief; Don Knight, Director Management & Budget; Ann Waite, Finance Director; Randy Petty, City Engineer; Eric Buckley, Utilities Director; Jan Elliott, Library Director; Jenny Howard, Projects Management Specialist; Dustin Welker, Planner/Downtown Manager; Kim Larkey, Information Processing Supervisor; Vicki Foote, Library Operations Supervisor; Sally Holguin, Library Operations Supervisor; Jaime M. Holguin; and Georgia Luster, City Clerk. Sam Napier, Lead IT Specialist and Dale Clark, IT Assistant assisted with the audio recording of the meeting.

OTHERS PRESENT: John Howard, Chris Elliott, Clint Mullen, James Burnett, Randa O. McKinney, Glen Orr, and Jon Johnson, Eastern Arizona Courier.

1. **WELCOME AND CALL TO ORDER:** Mayor Gibbs called the meeting to order at 6:06:16 p.m.

2. **ROLL CALL:** All members of City Council and Planning and Zoning Commission were present.

3. **PROPOSED SUBDIVISION AND ZONING CODE REWRITE:** Review of the proposed subdivision and zoning code rewrite. Review Chapter 17, Section 17.16 - Section 17.68 (pages 56-102). This is the second of three work sessions.

City Manager Kincaid welcomed everyone to the second meeting of three meetings to review proposed subdivision and zoning code rewrite. Section 17.16 through Section 17.68 will be reviewed this evening. He turned the time over to Dustin Welker at this time.

Dustin Welker introduced Mr. Richard Turner who has been assisting with the process. He referred to a memo that he sent to the Council and the Commission outlining major points of discussion for tonight. Mr. Welker asked everyone to turn to Page 56 of their manual.

Pg. 56) Chapter 17.16 - **added** Non-Conforming Uses and Structures

Zoning within the City did not occur until the **1970's**. Researched **"non-conforming"** and **added what is typical throughout the State**.

Pg. 59) (New per Arizona Revised Statutes) Added C. Citizen Review Process

Commissioner Moser recommends meeting state guidelines and not exceeding what state law requires in regards to this section.

Pg. 60) Strike the word common before council

Pg. 61) Strike governing body and refer to council

Pg. 62) E. **specific to annexation - "no greater than those permitted by the county"**

Pg. 64) Home Occupations. Home occupations have historically produced a large number of zoning cases for the city and have also produced a number of challenging situations. In the past, the Code has listed **'Permitted'** and **'Non allowable Uses'** under home occupations and this has proved difficult as very few uses match up to the list and staff has been charged with making a decision if the uses were close enough or not. Many times the case was taken to the Commission and Council as a Conditional Use Permit. Mr. Welker stated that he drafted a Memo and sent it out to everyone to review. He stated that after he attended a planning seminar and speaking with other professionals to see how their cities handle home occupation permits he provided an alternative option for consideration. The alternative option is provided in his memo. It appears the most prevalent method was to avoid lists and concentrate more on the impact of the home occupation on the surrounding properties. He asked for the **Commission's** and **Council's** view of the process to be based more on impact rather than lists of allowable and non-allowable uses. (Process referenced in Memo). The intent is to eliminate the CUP process.

Council and Commission **likes and support's** the process to be based more on impact.

Concerns of addressing **"unsightly"** properties were brought up. Mr. Kincaid stated this subject was discussed at the last meeting. At that meeting, it was a unanimous concern of this joint body to develop a policy with **"teeth"** in it to address unsightly/nonconformance properties.

Pg. 66) D. Identified Bed and Breakfast Establishments subject to the approval of a

Conditional Use Permit; and, added Section E: Group Homes (up to ten residents that are handicapped and elderly) in residential zones.

Pg. 67) Added R-2A zoning designating Duplex Residential District, allowing zoning for duplex.

Councilman Lopez inquired about the restriction of a group home located on a lot that is within 1,200 feet of another group home.

The intent of the 1,200 feet spacing is to eliminate clustering of group homes because of the impact that group homes have on a neighborhood. Section provides the opportunity to provide group homes and to have the ability to space them out and distribute them throughout the community without having any major impacts within the neighborhood. Mr. Welker noted that each group home must be registered with the State. The State has very strict guidelines for group homes (ADA compliance, hallways, etc).

There was discussion concerning eliminating the 1,200 feet restriction to allow for additional group homes and to address each group home on a case by case basis.

It was mentioned that huge neighborhood complaints/issues may occur if multiple group home certificates are issued in any one neighborhood. It was the consensus to retain the 1,200 feet restriction. Mr. Kincaid noted that the process of the code rewrite will be presented through a public hearing process. This issue may be addressed again.

Pg. 70) E. Discussion on what the definition of “temporary” is. Mr. Welker said they will review this issue with other cities and evaluate other codes and discuss the issue further.

Review Section H - 120 beds seems like a lot. Limit to less?

Review Section I further - Roadside stands.

Pg. 71) Chapter 17.44 C-MH Conventional and Manufactured Home District. Consistent.

Pg. 75) C-1 General Commercial District - allowable uses within downtown area

Pg. 76) M. Repair Shops - strike out television and add electronic

D - Establish “teeth” in policy to address storage and junk

Pg. 77) I. Established height of obscuring fence

Pg. 78) C-2 Highway Commercial - added permitted uses

17.52.020 - Use requirements - Permitted uses. Add - In addition to the C-1 permitted

uses. Will look at.

Pg. 79) 17.52.030: Section C. - **Add** - reference outdoor lighting code to this section.

Pg. 80) 17.52.040: Other requirements: Address highway areas addressing vacant buildings

Include Sections C. D. & E. in all zoning areas (boarding up houses and that they are aesthetically appropriate). Will review with attorney.

Pg. 82) Chapter 17.58 Downtown Overlay Zoning District: Created to maintain and enhance the character of downtown. Working to define parameters because of residential areas downtown.

Pg. 84) C. Vacant Buildings. Will review section with the attorney because of Proposition No. 207.

Pg. 89) Added Chapter 17.66 P - F Public Facilities Zoning District. Basically city owned property, Safford school property, ADOT property, Graham County property. Guidelines to ensure high quality development and insure compatibility.

Pg.91-99 Section 17.68.010 Summary of Zoning Regulations. Reorganized Summary of zoning regulations making summary more legible.

City Manager Kincaid stated the next meeting will be held on November 26th. Comments will be presented and reviewed and then the public hearing process begins.

The Planning and Zoning Commission left the meeting at 7:06 p.m. and a brief recess was taken. The Council reconvened the meeting at 7:16:29 p.m.

4. **LIBRARY POLICIES:** The Library Advisory Board and staff request the City Council review the following library policies: Management 1: Confidentiality of Library Records; and Circulation 11: Electronic Books. The policies will be presented to the Council at the next regular council meeting for approval.

There were no comments regarding the proposed library policies. The proposed library policies will be provided to the Council for consideration at the next regular council meeting, November 13th.

5. **4 DAY 10 HOUR WORK WEEK:** Presentation and discussion on continuing 4 day 10 hour work week.

City Manager Kincaid recalled the Council implementing a 4 day 10 hour work week for a one-year trial basis which became effective July 2011. At the end of 12 months an

evaluation was completed. Included in **tonight's** Council packets are an electric usage comparison, employee and customer survey, and comparison data compiled of customers utilizing city buildings (mainly customer services) before 8:00 a.m. and after 5:00 p.m. Additionally, a five-year history of employee expenses (salary costs and overtime costs) was distributed at this time. The history does not include fringe benefits. FY 08 through FY 2012, apples to apples comparison. Total earnings paid to employees in FY 2008 was \$9,350,520 including 12,644 hours of overtime. FY 2012, year ended June 30, 2012, total costs was \$7,322,866 which is about a 21.6% reduction in salary costs. Overtime hours went from 12,644 to 7,231, about a 40% reduction in overtime hours. Payroll costs. The reduction in employees did not significantly reflect overtime. A good sum of the overtime hours was funded through the Stonegarden operations (federally funded program) of the police department. He noted that Pima Unified School District has implemented a 4 day 10 hour work week and Graham County will begin a 4 day 10 hour work week on Friday, November 2, 2012.

Councilman Malloque pointed out that overtime for FY 2011/2012 increased and salaries decreased \$235,000.

It was the consensus of the Council to consider continuing the 4 day 10 hour work week at the November 13, 2012 regular council meeting.

6. **LANDFILL RATES:** Discussion on modification of landfill rates. City Manager Kincaid reminded the Council of the discussions during the budget process regarding equalizing residential and commercial landfill rates, and raising the base rate from \$35 per ton to \$42 per ton. Landfill revenues continue to decline. He addressed equalizing residential and commercial rates. Commercial pays \$35 per ton with a \$10 minimum. Residential pays \$5 up to 1 ton and over 1 ton is \$10. The concern was and continues to be that many known commercial customers claim residential trash and only pay the \$5. A fair amount of revenue is lost because of this. Staff is proposing residential be equalized with commercial to alleviate an issue at the landfill for the attendants. Secondly, staff is recommending a general rate increase because the Landfill costs continue to rise and is now at the point of losing money. Additionally, excess funds for future closure of the landfill needs to be generated. We currently charge a 5% closure fee on all loads. Landfill operations are running thin and therefore, cutting additional expense is not an option. A spreadsheet illustrating revenue increases based on the change and the budget for the landfill and projected revenues for FY 12/13 was attached. FY 11/12 was down from FY 10/11 and revenues are significantly down (\$21,000) in the first quarter of FY 12/13. For instance, if a loss of approximately \$21,000 continues through the year, landfill revenues would be down \$84,000 for the year. Operations and maintenance of the landfill cost over \$1 million. The landfill is an enterprise fund and should be operating at least to a break-even point. He opened the discussion up to the Council regarding equalizing residential and commercial landfill rates, and raising the base rate from \$35 per ton to \$42 per ton.

Councilman Seale asked if an estimate regarding revenues for FY 12/13 reflecting equalized rates is available. He would like to see an estimate for what the shortfall would be if we **didn't** raise base rates but equalized residential and commercial rates. He also asked what it would do to our trash collection rates because we charge the City the same rates as its customers. He noted that the City will only derive revenue from outside sources, once the landfill closes, the City will be responsible for the closure fee.

Mr. Kincaid stated an analysis would need to be done. He believes some of the reasons revenues have decrease are due to Eurofresh revising their recycling process and no longer delivering "wet" goods to the landfill which has changed the weights drastically, as well as, we have lost some of the Indian contracts.

Mayor Gibbs asked if an analysis was done to equalize residential and commercial rates at \$35 per ton instead of \$42 per ton. Don Knight stated he did a comparison of residential and commercial rates at \$35 per ton but does not have it available with him tonight. However, he can provide the information to the Council.

City Manager Kincaid pointed out that the amount of revenue reduction was not anticipated. If revenues fall below \$800,000; in a twelve month period the City would definitely be impacted. He provided an article from the Arizona Republic regarding cities and towns forming consortiums for landfills. Most cities/towns operate landfills by contract. The City of Safford is not unique in this situation. Most landfills are operated by County governments or private industry. The City does have a unique challenge of operating the landfill equally and on a county wide basis.

Don Knight noted that during the landfill RFP, a concern of those who considered operating the landfill pointed out that the landfill does not handle enough daily trash to operate the landfill for a profit. However, if the landfill received a higher volume, revenues would increase but expenditures would not increase that much.

This issue of landfill rates will be brought back to the Council at the November 26th work session. The discussion will include equalizing residential and commercial rates at \$35 per ton and \$42 per ton. A breakdown of (residential) volume specific to the City, Vista Recycling and Town of Thatcher will be provided to the Council prior to the meeting.

7. DELINQUENT BUSINESSES: Discussion regarding how to proceed with delinquent businesses who failed to obtain a Fiscal Year 2012-2013 Business License.

City Manager Kincaid reviewed the delinquent list of businesses who failed to obtain a Fiscal Year 12/13 business license. Per the Municipal Code, it is unlawful for any person to conduct a business within the city limits without a business license. Staff is asking for direction from the Council regarding turning delinquent business over to the City

Prosecutor.

Councilman Seale stated that he would like to consider a fine rather than a misdemeanor. (would require code change).

It was the consensus of the Council to provide the list of delinquencies to the city prosecutor pursuant to Section 5.04.110 of the Municipal Code.

8. **VETERAN'S DAY HOLIDAY:** Monday, November 12, 2012 is Veteran's Day Holiday. Discussion regarding rescheduling the regular City Council Meeting, Monday, November 12th to Tuesday, November 13, 2012.

The regular city council meeting, November 12th was moved to Tuesday, November 13, 2012 in honor of Veteran's Day Holiday.

November 26, 2012 -Next Work Session.

December 10, 2012 - next regular scheduled council meeting. Will hold only one meeting in December.

City Manager Kincaid pointed out that the new auditors performed the City's annual audit last week. Once they have completed their report they will make a presentation to the Council.

Councilman Howes requested revisiting the residency policy at the November 13th Council meeting as an action item.

9. **ADJOURN:** It was moved by Councilman Malloque, seconded by Vice Mayor Bingham, and carried unanimously to adjourn the meeting at 8:04:57 p.m.
MOTION ADOPTED

APPROVED:

Wyn "Chris" Gibbs, Mayor
City of Safford

