



AGENDA

6:00 PM

CITY OF SAFFORD, CITY COUNCIL MEETING

MONDAY, March 9, 2015

MEETING LOCATION: SAFFORD LIBRARY PROGRAM ROOM ♦ 808 S 7TH AVENUE, SAFFORD, ARIZONA

In accordance with Section 2.04.120 of the *Municipal Code* of the City of Safford, and *Arizona Revised Statutes §§38-431.01 et seq., and 38-431.02 et seq.*, notice is hereby given to the members of the general public that the City of Safford will hold the above stated Regular City Council Meeting open to the public on the date and time specified above at the Safford Library Program Room, 808 South 7th Avenue, Safford, Arizona.

City Council Meeting Agendas are available on the city's website at: www.cityofsafford.us

A copy of agenda background material provided to Council members, with the exception of material relating to possible executive sessions, is available for public inspection at the City Clerk's Office, 717 Main Street; Monday –Thursday 7:00 a.m. – 6:00 p.m.

Members of the City of Safford Council may attend either in person or by telephone conference call.

The City Council reserves the right to take action upon any item on the agenda.

If authorized by a majority vote of the Common Council of the City of Safford, and pursuant to *Arizona Revised Statutes, §38-431.03 et seq.*, the Council may adjourn the meeting at any time and move into Executive Session for consultation with the attorneys of the public body. Executive Session will not be open to the public.

DECLARATION ON CONFLICT OF INTEREST: Council members and staff have a right to declare a conflict of interest. The declaration of a conflict of interest must be made prior to discussion of any agenda item in which Council members or staff member determine they have a conflict of interest.

1. **WELCOME AND CALL TO ORDER:** (Reminder: Please turn off cell phones)
2. **ROLL CALL:**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Mayor Gibbs will lead the Pledge of Allegiance to the Flag.
4. **OPENING PRAYER:** Larry Seymore will offer the Opening Prayer.
5. **CITIZEN COMMENTS ON AGENDA ITEMS:**
6. **PUBLIC HEARING:**
Mayor Gibbs will open a Public Hearing in compliance with *Arizona Revised Statutes §38.431.02* to hear public comments regarding:

- 1) A rezone from R1-6 (Single Family Residential) to C-MH(Conventional and Manufactured Home) on Graham County Parcel # 101-19-043, 1213 9th Avenue, Safford, Arizona. (Staff, Dustin Welker)
- 2) Amendment to Title 17.16.020 of *City of Safford Municipal Code*, Nonconforming Buildings and Uses, eliminating restrictions to the use of properties in the event of a fire, flood, or other calamity or act of nature. (Staff, Dustin Welker)

When the Hearing concludes, the City Council will convene a Regular Council Meeting to hear the First Reading of Ordinance Number 15-001, a rezone from R1-6 (Single Family Residential) to C-MH(Conventional and Manufactured Home) on Graham County Parcel # 101-19-043, 1213 9th Avenue, Safford, Arizona. Secondly, to hear the First Reading of Ordinance Number 15-002, Amendment to Title 17.16.020 of *City of Safford Municipal Code*, Nonconforming Buildings and Uses, eliminating restrictions to the use of properties in the event of a fire, flood, or other calamity or act of nature.

Public comments will be accepted at this time. Mayor Gibbs will close the Public Hearing and will convene a Regular Council Meeting.

7. **NEW/OLD BUSINESS:**
 1. Approve February 9 and February 23, 2015, Council Meeting Minutes. (Staff, Georgia Luster) **INFORMATION/DISCUSSION/ACTION**
8. **CONSENT RESOLUTIONS:**
 1. Request for the Mayor and City Council to consider approving and adopting Resolution Number 15-009 pertaining to the submission of projects for consideration in Arizona's 2016 AzGOHS Highway Safety Plan. (Staff, Joe Brugman) **INFORMATION/DISCUSSION/ACTION**



AGENDA

6:00 PM

CITY OF SAFFORD, CITY COUNCIL MEETING

MONDAY, March 9, 2015

MEETING LOCATION: SAFFORD LIBRARY PROGRAM ROOM ♦ 808 S 7TH AVENUE, SAFFORD, ARIZONA

GUIDELINES FOR CITIZEN COMMENTS ON AGENDA ITEMS

PURPOSE:

- Allow citizens to provide input to the City Council on a particular subject scheduled on the agenda.
- This is not a question and answer session.

PROCEDURES:

- Fill out a "Request to Address the Council Agenda Item" form and present it to the City Clerk prior to the beginning of the meeting.
- When recognized, use the lectern/microphone.
- State your:
 - Name
 - City of Residence
- Limit comments to 3 minutes.
- Submit written comments for the record to the City Clerk.

GUIDELINES FOR CITIZEN COMMENTS ON NON AGENDA ITEMS

PURPOSE:

- The Safford City Council values citizen comments and input.
- Because these items are not listed on the Council Agenda, Council may not act on the information during the meeting but may refer the matter to the City Manager for follow-up.

PROCEDURES:

- Completely fill out a "Request to Address the Council Non-Agenda Item" form and present it to the City Clerk prior to the beginning of the meeting. Forms which are not completely filled out will be rejected.
- When recognized, during the "Citizen Comments on Non Agenda Items" section, use the lectern/microphone.
- State your:
 - Name
 - City of Residence
- Limit comments to 3 minutes.
- Submit written comments for the record to the City Clerk.

9. ORDINANCES:

1. First Reading of Ordinance Number 15-001, a rezone from R1-6 (Single Family Residential) to C-MH(Conventional and Manufactured Home) on Graham County Parcel # 101-19-043, 1213 9th Avenue, Safford, Arizona. (Staff, Dustin Welker) **FIRST READING**
2. First Reading of Ordinance Number 15-002, an amendment to Title 17.16.020 of *City of Safford Municipal Code*, Nonconforming Buildings and Uses, eliminating restrictions to the use of properties in the event of a fire, flood, or other calamity or act of nature. (Staff, Dustin Welker) **FIRST READING**

10. MEETINGS/ACTIVITIES HELD OR TO BE HELD BY COUNCIL OR CITY STAFF:

- Monday, March 23 – Work Session – Budget: Revenue and Grant Projections.
- Monday, March 23 – Purple Heart Proclamation – Graham County Board of Supervisor’s Meeting
- Monday, April 13 – Regular Council Meeting – Budget: Department Presentations
- Monday, April 27 – Work Session – Budget: Department Presentations

11. COUNCIL OR STAFF REQUESTS FOR AGENDA ITEMS:

12. CITIZEN COMMENTS ON NON-AGENDA ITEMS: *Members of the Council may not discuss items that are not specifically identified on the Agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter responding to any criticism or scheduling the matter for further consideration and decision at a later date.*

13. EXECUTIVE SESSION: Pursuant to *Arizona Revised Statutes* §38-431.03 the City Council will enter executive session to:

- 1) Discuss and provide guidance to the City Manager regarding contract negotiations on the Fixed Base Operator. (Pursuant to *Arizona Revised Statutes* §38.431.03(A) (4).
- 2) Performance evaluation of City Manager, Horatio Skeete. (Pursuant to *Arizona Revised Statutes* §38.431.03(A)(1).

14. ADJOURN

Date Posted: _____

Georgia Luster, MMC, City Clerk



CITY COUNCIL COMMUNICATION

TO: Mayor and Council
FROM: Dustin Welker, Planning and Community Development Director
SUBJECT: Case Z-01-15
DATE: March 9, 2015

Purpose: Hold a public hearing and conduct the first reading of Ordinance # 15-001, an application to rezone from R1-6 (Single Family Residential) to C-MH(Conventional and Manufactured Home) on Graham County Parcel # 101-19-043, 1213 9th Ave., Safford AZ 85546. Concerning the C-MH zone, section 17.44.010 of the Safford Municipal Code states:

The purpose of this zoning district is to provide a district where single-family conventional and manufactured homes may be interspersed.

Background: The property currently has an aged house and the project would include removing the house and placing a manufactured home on a permanent foundation on the property.

The case was presented to the Planning and Zoning Commission on February 19, 2015 and the following recommendation was passed:

It was motioned by Vice-Chair Junion, seconded by Commissioner O'Donnal and carried unanimously to make a recommendation to the City Council to approve the rezone of property located at 1213 9th Avenue to C-MH as submitted for this property.

Analysis: The City of Safford General Plan supports the rezone and no opposition has been expressed by the neighbors through the Neighborhood Meeting and Planning and Zoning meeting progression and public hearing process.

Attachments: Aerial of the Property, Planning and Zoning Commission Minutes



ROSE

10TH

9TH

12TH

9TH

1213 9th Ave

13TH

8TH

7TH

11TH

BINGHAMS

RELATION

RELATION



PLANNING AND ZONING COMMISSION MEETING

LIBRARY PROGRAM ROOM
808 S 7th AVENUE, SAFFORD
THURSDAY, FEBRUARY 19, 2015
5:30 PM

MINUTE RECORD

COMMISSIONERS PRESENT: Gene Fowler, Chairman; Diane Junion, Vice-Chair; John Q. Figueroa, Commissioner; Boyce McBride, Commissioner; Tracey O'Donnal, Commissioner

COMMISSIONERS ABSENT: E.C. "Buff" Cunningham III, Commissioner; James F. Moser, Commissioner

STAFF PRESENT: Dustin Welker, Planning & Community Development Director; Amber Hogle, Administrative Assistant; Dale Clark, IT Specialist

OTHERS PRESENT: Brian Montoya

1. **WELCOME AND CALL TO ORDER:** Chairman Fowler called the meeting to order at 5:32 p.m.
2. **ROLL CALL:** A quorum of the Planning & Zoning Commission was present. Vice-Chair Junion joined the meeting at 5:34 p.m.
3. **PUBLIC COMMENT ON AGENDA:** None
4. **MINUTES:** It was motioned by Commissioner O'Donnal, seconded by Commissioner Figueroa and unanimously carried to approve minutes of the May 22, 2014 Planning and Zoning Commission Meeting. **MOTION ADOPTED**
5. **DEVELOPMENT REVIEW COMMITTEE MINUTES:** The Commission reviewed minutes of the February 9, 2015 Development Review Committee Meeting. There were no comments.
6. **PUBLIC HEARING:** Commissioner Fowler opened the Public Hearing at 5:36 p.m.
 - 6.1 **Case Z-01-15, Zoning Request from R1-6 to C-MH:** An application to rezone from R1-6 (Single Family Residential) to C-MH (Conventional and Manufactured Home) on Graham County Parcel # 101-19-043, 1213 S. 9th Ave., Safford AZ 85546. Concerning the C-MH

zone, section 17.44.010 of the Safford Municipal Code states: The purpose of this zoning district is to provide a district where single-family conventional and manufactured homes may be interspersed.

PUBLIC COMMENTS: Members of the Public were not present at this time.

Mr. Welker addressed the concerns of the Development Review Committee which are written in the attached minutes reviewed by the Commission. Mr. Welker stated this request to rezone does fit within the guidelines of our current General Plan and there has not been any complaints or concerns to date from the surrounding neighbors of the location.

Chairman Fowler inquired if notices were mailed to property owners and if they were traceable? Mr. Welker stated notices are mailed certified, return receipt to property owners within 300 feet surrounding the property.

Commissioner McBride asked if anyone was currently living in the home on the property. (Yes)

Commissioner O'Donnal assumed the home would meet set back requirements for the property? (Yes)

Chairman Fowler commended staff for following through with the last rezone approved in 2014 similar to this one and feels confident staff will follow the guidelines on this rezone and permitting process as well.

Mr. Welker reminded the Commission that this is a Public Hearing and their comments and concerns can be heard during the item discussion following the Public Hearing.

Brian Montoya with Five Star Home Center joined the meeting at this time and stated he was present to offer answers to questions the Commission may have. He will be placing the manufactured home on the property for the Martinez family. Mr. Montoya stated the plan is for a 24'x64', ground pit set home. It will look as if it is site built and will also include a stucco façade which will make it hard to visually tell it is a manufactured home.

Commissioner O'Donnal inquired if the placement is similar to those in the Stone Willow development? Mr. Martinez replied yes; the property will be dug out 18" before placing the home. Only 6-8" of block will be visible.

Commissioner O'Donnal also asked if tie downs would be used. Mr. Montoya stated they are not required but they do use.

Commissioner O'Donnal feels this will be an improvement to the area and will look nicer.

Commissioner McBride inquired if there are any other manufactured homes in the area? An exact number was not known but it was a consensus of Commission and staff that others are in the area.

- 6.2 **Code Amendment Proposal: A proposal to amend Title 17.16.020, Nonconforming Buildings and Uses eliminating restrictions to the use of properties in the event of a fire, flood, or other calamity or act of nature.**

PUBLIC COMMENTS: None

Mr. Welker stated the City's entire zoning ordinance was redone 2 years ago. At that time several flaws were fixed and this is the first issue to come about to date. Mr. Welker feels something has changed in the lending circuit since he has received several phone calls addressing this section. Mr. Welker gave an example of a non-conforming building. Lenders will not take over a loan due to this clause. He feels this was not the intent of our code; it is more for old homes destroyed by a fire to be rebuilt as commercial. A negative example this issue can have on property owners is if an elderly couple cannot sell their nice, well-kept home then the home becomes vacant after they pass away and then it becomes a problem to the City. He also stated as staff we are not in the business of making people homeless and feels this is an unenforceable code therefor recommends the change, attached.

Commissioner O'Donnal stated a property does need to meet existing zoning codes with regards to lending. She feels changing this ordinance would save the property owner(s) time by not having to request a variance from the City Council each time the need arises.

Commissioner McBride stated why keep the code if is not enforceable.

Commissioner O'Donnal questioned the 6 month period. Mr. Welker stated it is written as a provision for the home/property to not stay vacant. Staff would make sure at least due diligence is being shown by the property owner that the property would not stay vacant. Commissioner O'Donnal suggested to allow one year however Mr. Welker feels 6 months is reasonable as the City is willing to work with homeowners pending circumstances.

Commissioner McBride reaffirmed Mr. Welker's comments in that no criteria is stated on what has to happen during the time period; the City just has to see that the property owner is making progress.

Commissioner O'Donnal asked to define "started." Permit? Cleaning lot? Mr. Welker replied that it gives us leeway to look at and determine the progress.

Chairman Fowler stated rebuilding the home could go on forever without having provisions however Commissioner Figueroa mentioned building permits are only valid for one year.

7. **CLOSE PUBLIC HEARING:** Commissioner Fowler closed the Public Hearing at 6:03 p.m.

8. **PLANNING AND ZONING COMMISSION:**

8.1 **Martinez Rezone (Case Z-01-15):** The Planning & Zoning Commission will review a request to rezone property located at 1213 9th Avenue, Safford and make a recommendation to the Safford City Council. The rezone is a request from R1-6 (Single Family Residential) to C-MH (Conventional and Manufactured Home) with the intention to place a manufactured home on a permanent foundation.

It was motioned by Vice-Chair Junion, seconded by Commissioner O'Donnal and carried unanimously to make a recommendation to the City Council to approve the rezone of property located at 1213 9th Avenue to C-MH as submitted for this property.

MOTION ADOPTED

8.2 **Municipal Code Revision:** The Planning & Zoning Commission will review and discuss proposed changes to Title 17.16.020 of the City of Safford Municipal Code pertaining to Nonconforming Buildings and Uses and make a recommendation to the Safford City Council.

Commissioner O'Donnal inquired if the permit states work has to be complete by a certain date? (Yes) Permits are valid for one year and then expire. Commissioner O'Donnal mentioned when someone builds their own home it can take longer. Mr. Welker stated that he does not recall a time in his 7 years with the City that a permit for a home was not completed within the time-period.

Members of the Commission brought attention to a home in Safford that has been in the process of being completed for years. The shell is complete, however the interior is not. Mr. Welker stated he would have the City Building Department check in to the home.

Mr. Welker stated staff feels this is an appropriate change.

Chairman Fowler stated there needs to be an incentive for people to take action.

It was motioned by Commissioner McBride, seconded by Vice-Chair Junion and carried unanimously to make a recommendation to the City Council to approve the wording change as presented.

MOTION ADOPTED

9. **PROJECT UPDATES AND ANNOUNCEMENTS:**

Fed-Ex: Fed-Ex should be issued a Certificate of Occupancy in April and is trying to find other businesses to occupy nearby vacant property. They are putting in a road with medians and

vegetation will be fed with reclaimed water in the future. The road includes paved lanes, a sidewalk, and utility easement. The road behind the Mt. Graham Shopping Center from 20th Avenue to the canal, owned by the City has existed for many years however has never been improved due to the lower traffic demands of that area. Fed-Ex will be building 300-400' of road to their property.

Birdno Property: The property located on 14th Avenue and Highway 70 is needed to expand the road way. The owners were not willing to sell an easement only. The City is also looking to purchase the field behind the home to expand and build more commercial property. The new road will be named 1st Street and would tie in to 8th Avenue. The plan is to help alleviate traffic on Highway 70 eventually.

Main Street Project: The "Bump Out Project" started out rough with the contractor however is going smoother now and is set to be complete by the end of March.

David Funeral Home: This building is being converted into an apartment complex via remodel. Staff feels the contractor has done a good job with the project.

Skinner Dental Office: Property located on 20th Avenue and 8th Street by Walmart is owned by Walmart. Walmart has a not-to-compete clause on the property therefor it cannot be a retail location. The property was sold to Seth Skinner to build his dental office. The property will also include one other office space and construction should begin within the next month.

Multi Use Trail: The latest phase has been completed. Once the County and Thatcher finish their portions one could walk from EAC to the Safford Cemetery.

General Plan Update: The City will be updating its General Plan and the Commission will be involved in the process. There will be lots of hearings, meetings and public input coming up.

10. **CALL TO THE PUBLIC:** None

11. **NEXT SCHEDULED MEETING:** TBA

12. **ADJOURN:** It was motioned by Commissioner Figueroa, seconded by Vice-Chair Junion and carried unanimously to adjourn the meeting at 6:35 p.m. **MOTION ADOPTED**

APPROVED:

Gene Fowler, Chairman
Planning & Zoning Commission

ATTEST:

Amber Hogle, CMC, Administrative Assistant
Planning & Community Development

STATE OF ARIZONA)
) ss
County of Graham)

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the Meeting of the Safford Planning & Zoning Commission, located in Safford, Graham County, Arizona, held Thursday, February 19, 2015, and approved at a Planning & Zoning Commission Meeting on _____. I further certify the meeting was duly called, held and that a quorum was present.

Date:

Amber Hogle, CMC, Administrative Assistant



CITY COUNCIL COMMUNICATION

TO: Mayor and Council
FROM: Dustin Welker, Planning and Community Development Director
SUBJECT: Nonconforming Structures
DATE: March 9, 2015

Purpose: Hold a public hearing and conduct the first reading of Ordinance # 15-002, an amendment to Title 17.16.020, Nonconforming Buildings and Uses eliminating restrictions to the use of properties in the event of a fire, flood, or other calamity or act of nature.

Background: Two years ago the City of Safford went through a comprehensive rewrite of the Zoning Ordinance. One item that was added to the Ordinance was section 17.06.020B stating:

B. A nonconforming building or structure and a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, other calamity or act of nature, to an extent greater than fifty (50) percent of its reconstruction or replacement value, as determined by three (3) competent appraisers, shall not be restored or reconstructed and said building or structure and the use of the land shall conform to all regulations for the zoning district in which said building or structure is located. The services of the three (3) appraisers shall be retained by the owner of the building or structure after the three (3) appraisers are mutually agreed upon by the city and the owner of the building or structure.

The intention of the addition of this language was primarily to encourage nonconforming buildings to conform to the zoning code they lie within if a structure was destroyed beyond repair. The issue that has arisen over the past couple of months is that property owners are not able to sell their properties because lenders will not assume a loan on properties that are applicable to the new section. The intention of the new language was not to prevent the sale of the properties and has taken an undesirable effect on the property owners.

Analysis: The negative effect the new language is having on property owners' ability to sell their properties outweighs the original intention of the code and recommend eliminating section B and a portion of C of 17.060.020 as requested in the attached document.

Attachments: Proposed changes to Section 17.060.020

- **17.16.020 - Nonconforming buildings and uses.**

A. In view of the fact that no further development or change in use can be undertaken contrary to the provisions of this title, it is the intent of this title that nonconforming uses shall not be increased nor expanded except where a health or safety official acting in his or her official capacity, requires such increase or expansion. Such expansion shall be no greater than that which is required to comply with the minimum requirements as set forth by the health or safety official. Nevertheless, a nonconforming building or structure or use of land may be continued to the same extent and character as that which legally existed on the effective day of the applicable regulations. Repairs may also be made to a nonconforming building or to a building housing a nonconforming use.

~~B. A nonconforming building or structure and a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, other calamity or act of nature, to an extent greater than fifty (50) percent of its reconstruction or replacement value, as determined by three (3) competent appraisers, shall not be restored or reconstructed and said building or structure and the use of the land shall conform to all regulations for the zoning district in which said building or structure is located. The services of the three (3) appraisers shall be retained by the owner of the building or structure after the three (3) appraisers are mutually agreed upon by the city and the owner of the building or structure.~~

~~B~~C. ~~In the event that r~~Restoration of a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, other calamity or act of nature ~~is allowed, such restoration~~ shall be started within a period of six (6) months from the date of destruction and shall be diligently prosecuted to completion. Such restoration shall not increase the floor space devoted to the nonconforming use over that which existed at the time the building became nonconforming.

~~D~~C. A nonconforming building or structure or portion thereof or a lot occupied by a nonconforming use which is, or hereafter becomes, abandoned or is discontinued for a continuous period of six months or more shall not thereafter be occupied, except by a use which conforms to the regulations of the zone in which it is located.

~~E~~F. Any nonconforming use or nonconforming building which has been changed to a conforming use or building shall not thereafter be changed back to a nonconforming use or building.

~~F~~F. A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use.

~~F~~G. The provisions pertaining to nonconforming uses of land and buildings shall also apply to land and buildings which hereafter become nonconforming due to an amendment in this title.

~~G~~H. Notwithstanding the issuance of a permit therefor, no building which becomes nonconforming upon the passage of the ordinance codified in this title or which becomes nonconforming due to amendment to this title shall be built unless construction has taken place thereon to the extent of at least five hundred dollars (\$500.00) in replaceable value by the date on which the ordinance codified in this title or said amendment becomes effective. "Replaceable value" means the expenditure necessary to duplicate the materials and labor at market prices.

(Ord. 96-347 § 1(11-4-2); Ord. No. 13-004, 4-8-2013)



CITY COUNCIL COMMUNICATION

TO: Mayor and Council
FROM: Georgia Luster, City Clerk
SUBJECT: Council Meeting Minutes
DATE: Monday, March 5, 2015 at 6:00 p.m.

Purpose and Recommended Action: This is a request for the Council to review and approve February 9, and February 23, 2015 City Council Meeting Minutes. **ACTION**

Attachments: February 9, 2015 and February 23, 2015 Council Meeting Minutes



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

**CITY OF SAFFORD
COUNCIL MEETING MINUTES
Monday, February 9, 2015 @ 6:00 PM
Safford Library Program Room, 808 S. 7th Avenue, Safford, Arizona**

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

STAFF PRESENT: Horatio Skeete, City Manager; Joe Brugman, Chief of Police; Randy Petty, City Engineer; Dustin Welker, Planning and Community Development Director; Jenny Howard, Public Works Director; Eric Buckley, Utilities Director; Terry Quest, Finance Director; Leanne McElroy, Library Director; Cliff Davis, Human Resources Officer; and Georgia Luster, City Clerk. Sam Napier assisted with the audio/video recording of the meeting.

OTHERS PRESENT: Cathy Romero, Sophia Romero, E. J. Romero, Luke Romero, Josh Romero, Sam Flood, Randa Owens McKinney, Justin Caldwell, Amber Caldwell, Casey Johnson, Jack Johnson, Lucy Johnson, Stephanie Abril, Cameron Abril, Keegan McKinney, Abram Mendez, Markus Bejarano, Mikayla Lopez, Destiny Driver, Matt Hunter, Mason Hunter, Miles Laudenslager, Felicia Padilla, Arvi Bajardo, Amadeo Fajardo, David M. Driver, Peggy Hunter, Ed Hunter, Carlos Aguilar, Brandon McIntosh, Kyler Smith, Brody Wayne, Danny Smith, Guy Donham, Jamie Terrazas, Kody Hrastnik, Robert Guarino, Alexander Wood, Shaun Jalamillo, Shallon Barringer, Lori Alva, Richard Bejarano, Aaron Carr, Aniken Aguilar, Kayson McKinney, Justin Torrio, Heidi Torrio, Justine Bay, Mikayla Lopez, Chase Umphries, Dishaun Robinson, Joshuaa Mazon, Jacob Palominio, Jesse Contreras Joey McClain, Austin Skinner, Austin Kouts, Daniel Ramirez, Jose Contreras, Brandon Reynolds, Angelina Desaulniers, Brinley Kempton, Brad Olsen, Madison Pudelek, Justice R., Mickey Hawkins, Jeremiah Best, Tyso N. Coleman, Nate Palomino, Cody Trostle-Ballou, Jon Wesley McNutt, Jacob Moreno, Chris Nabor, Damian Alaniz, Alexi S. Nabor, Alec Judd, Isaih Carrasco, Santiago ??, Dax Gonzalez, Mikayla Slabrni, Jessica Bright, Cameron Slater, Jackie Slater, and others who did not sign in. Kelly Van Shaar, video recorded the meeting. Ken Showers was present representing Eastern Arizona Courier.

- 1. WELCOME AND CALL TO ORDER:** Mayor Gibbs called the meeting to order at 6:12 p.m.
- 2. ROLL CALL:** A quorum of the Council was present (7).

3. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Mayor Gibbs led the Pledge of Allegiance to the Flag.
4. **OPENING PRAYER:** Councilman Lopez offered the Opening Prayer.
5. **CITIZEN COMMENTS ON AGENDA ITEMS:** NONE
6. **NEW/OLD BUSINESS:**
 4. **Dr. Cathy Romero would like to continue the discussion of a skate park proposal. They are asking the City Council to consider a commitment for a place to put the skate park and to provide maintenance of the park.**

Because of a large attendance, Item 6.4 was moved for discussion at this time. City Manager Skeete briefly recapped previous discussions of a proposed Skate Park. He stated discussions have included merits and costs associated with a Skate Park. The City was assured that the funding for the construction of a Park would come from funds donated and or collected by interest groups. The City is to identify the land and once the Park is constructed, maintenance and operation of the Park would be given to the City of Safford. He noted that additional liability insurance would cost the City of Safford between \$3,000 and \$4,000 annually. Another expense that was overlooked is the lighting of the Park. Additionally, a location has not yet been identified. The interested group is suggesting the El Paso Park located on 14th Avenue. Although, he believes the community should be involved in the discussions and other locations be considered. He introduced Dr. Cathy Romero and supporters for the Skate Park.

Dr. Cathy Romero stated they have been spreading the word of this proposal and have a number of people present to express their interest in a Skate Park. After the last meeting, she felt that a part missing was convincing the Council that this Skate Park is important. She asked a few of the kids to speak to and to provide a brief video so that the Council can get a “feel for” what a Skate Park is like.

Luke Romero, Shaun Jalamillo and Abram Mendez (all of Safford) approached the Council and expressed their interest and excitement of a Skate Park. A Skate Park is a priority to them and they believe it would be a great way to get the kids off the street and to help kids stay out of trouble. They believe a Skate Park should be a priority of the Council. They showed a brief video of kids skating at a Skate Park. This Skate Park in the video is located at Rita Ranch on the east side of Tucson.

Dr. Romero stated they are not asking the citizens of Safford to pay for the construction of the Skate Park; they are going to apply for funding through Freeport and will accept donations. She

realizes the Council has a lot of concern about the upkeep and the maintenance of a skate park; but, believes the upkeep and the maintenance of the Park should not be an issue for the Council because if it's built right, it shouldn't be a concern. They are asking the Council to support the concept of a Skate Park in Safford, donate the land for the Skate Park and agree to maintain the Park after it is built and given to the City. She asked the Council to consider a few things: The health of the kids (video games has contributed to the obesity of our youth), the safety of our youth (accidents that are serious with skateboards and scooters happen when they interact with a vehicle). "Skate parks, when built properly and used according to rules are very safe, much safer than interacting with vehicles". They believe a Skate Park would be appealing to the City. A skate park would contribute to our tax base and be a family attraction. She recapped what they are asking the Council: agree to the concept of a Skate Park in Safford, donation of the land for the Skate Park and agree to maintain the Park after it is built and given to the City. They will apply for funding through Freeport (Cycle is Feb. 1 through May 1) to build the skate park. She noted they have received pledges of approximately \$2,500 from local businesses. The concept right now is hypothetical, but once the funding is approved, discussions will begin on location, what type/size of a facility to build, hours of operation, construction of facility, etc.

The Council stated they support the concept of a skate park, but at this point there are many unknowns and without a plan the concept is hypothetical.

Mayor Gibbs asked Police Chief, Joe Brugman, because of his experience with skate parks in Chandler and Coolidge, to speak about skate parks. Chief Brugman stated a skate park is an amenity and is a benefit to the youth because it gives them a place to go to. He referred to some of the challenges of having a skate park (high visibility area, location is a concern, is it tied into a park, the affect it would have on the neighbors, is location easy to patrol, skate boarders, BMX, skaters, fenced area, age restrictions, difficulty levels, staff support/maintenance, littering, etc.).

Austin Kouts stated they are not asking for much, just asking for a piece of cement, metal or wood area with a few ledges and a few ramps, just somewhere to hang out and ride.

Alexander Wood said he came from the small town of Page who has a small skate park. He believes they can all get along and share a Park, but if needed, a day may be designated for the skaters, the boarders, and the BMXers. They will do their part and be responsible and help maintain and keep the area clean. He noted that in Page, if there was trouble within the Park, the City would close the Park for a while as discipline to the youth. Closing the Park got the attention of the youth.

(Applause from the audience)

It was moved by Councilman Ortega, seconded by Vice Mayor Bingham, and carried unanimously to authorize the City Manager to provide a letter of support outlining conditions, contingent on funding and subject to final approval by the City Council. The Letter of Support will be included with the Application to be submitted to Freeport McMoRan. **MOTION ADOPTED**

(Applause and many “thank you’s” came from the audience). A short break in the meeting allowed the audience to leave the meeting at this time.

1. **Presentation of Quarterly Financial Report.** Terry Quest, Finance Director, reviewed the second quarter financial overview for Fiscal Year 2014-2015. He noted total revenues received for the 2nd Quarter were 45% of budgeted revenues for this same time period last year. Secondly, expenditures for the 2nd Quarter were 40% of the budget. He explained City management continues to monitor the receipt of its revenues and will control expenses in accordance with the receipt of revenues. Finally, overall enterprise operations are performing fair. However, revenues for gas and electric operations were down for the 2nd Quarter.
2. **Review and approval of annual special events for 2015.** Dustin Welker, Community Development Director, reviewed the list of the annual special events for 2015. He explained the list this year includes twelve (12) special events that have been previously approved by Council, one new annual special event request (Tri Community Tri) and a one-time special event request for the Safford High School’s 100th Anniversary event.

There was discussion about re-evaluating and reviewing the expenses of the special events during the budget process.

It was moved by Councilman Malloque, seconded by Councilman Seale, and carried unanimously to approve the annual special events for 2015. **MOTION ADOPTED**

3. **Consider awarding a Bid to Banning Creek Enterprises, LLC in the amount of \$38,998.94, for the installation of underground electric conduit at the Valley Apartments, portions of Cluff Addition and a small section at the Graham County Health Department.** Eric Buckley, Utilities Director, explained the underground electric conduit project. He noted the installation of this conduit will replace all of the old direct buried cable in the system.

It was moved by Councilman Howes, seconded by Councilman Lopez, and carried unanimously to award a contract to Banning Creek Enterprises, LLC in the amount of \$38,998.94, for the installation of underground electric conduit. **MOTION ADOPTED**

7. CONSENT ITEMS: The Mayor and City Council may wish to consider approving Items 1 through 12 as Consent Agenda Items.

1. January 12, January 23, and January 26, 2015 Council Meeting Minutes
2. Police Report
3. Building Inspection Report
4. Public Works Report
5. Business License Report
6. Library Report
7. Utility Consumption/Water Production Reports
8. Summary of 8.Projects Planning and Grants Administration
9. Prosecution Report
10. Airport Report **(Not Available)**
11. Expense Report over \$5,000
12. Purchasing Card Report

It was moved by Councilman Ortega, seconded by Councilman Howes, and carried unanimously to approve Items 1 through 12 as Consent Agenda Items. **MOTION ADOPTED**

8. MEETINGS/ACTIVITIES HELD OR TO BE HELD BY COUNCIL OR CITY STAFF:

- Councilman Lopez will attend a Transportation Board Meeting on the 19th.
- Mayor and Mr. Skeete will attend the Economic Development Conference in Phoenix, February 18 – 20th.
- Monday, February 23rd - Council Work Session: Beginning of Budget discussions - Capital Projects
- Monday, March 9th Council Meeting: Budget Presentation-Revenue Projections & Grant Revenues
- Monday, March 23, 2015 Council Work Session: Departmental Budget Presentations

9. COUNCIL OR STAFF REQUESTS FOR AGENDA ITEMS: NONE

10. CITIZEN COMMENTS ON NON-AGENDA ITEMS: NONE

City Manager Skeete introduced Leslie Norton as the Executive Secretary to the City Manager.

11. **EXECUTIVE SESSION:** The Mayor and City Council will enter executive session to review the January 12, 2015 executive session minutes. Executive session minutes were provided to the Council prior to the meeting to review. Therefore, there was no need to adjourn to executive session.
12. **RETURN TO REGULAR SESSION:** Not needed.
13. **Approve the January 12, 2015 executive session minutes.** It was moved by Councilman Ortega, seconded by Councilman Malloque, and carried unanimously to approve the January 12, 2015 executive session minutes. **MOTION ADOPTED**
14. **ADJOURN MEETING:** It was moved by Councilman Malloque, seconded by Councilman Howes, and carried unanimously to adjourn regular session at 7:40:55 p.m. **MOTION ADOPTED**

APPROVED:

Wyn "Chris" Gibbs, Mayor
City of Safford

ATTEST:

Georgia Luster, MMC
City Clerk

STATE OF ARIZONA)
) ss
County of Graham)

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the Regular Council Meeting Minutes of the Safford City Council, Graham County, Arizona held Monday, February 9, 2015, and approved at a Regular Council Meeting on Monday, March 9, 2015. I further certify the meeting was duly called, held and that a quorum was present.

March 9, 2015
Date:

Georgia Luster, MMC, City Clerk



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

**CITY OF SAFFORD
COUNCIL MEETING MINUTES
Monday, February 23, 2015 @ 6:00 PM
Safford Library Program Room, 808 S. 7th Avenue, Safford, Arizona**

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

STAFF PRESENT: Horatio Skeete, City Manager; Joe Brugman, Chief of Police; Randy Petty, City Engineer; Dustin Welker, Planning and Community Development Director; Jenny Howard, Public Works Director; Eric Buckley, Utilities Director; Terry Quest, Finance Director; Leanne McElroy, Library Director; Cliff Davis, Human Resources Officer; Sam Napier, IT Administrator; and Georgia Luster, City Clerk. Dale Clark assisted with the video recording of the meeting.

OTHERS PRESENT: Reverend Gail Carlsen, Don Carter (Councilman), Town of Pima; and Erik Swanson.

- 1. WELCOME AND CALL TO ORDER:** Mayor Gibbs called the meeting to order at 5:57:42 p.m.
- 2. ROLL CALL:** A quorum of the Council was present (7).
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG:** Mayor Gibbs led the Pledge of Allegiance to the Flag.
- 4. OPENING PRAYER:** Reverend Gail Carlsen offered the Opening Prayer.
- 5. Request consideration of revisions to Library Policy CIR-7 Fines and Fees.** City Manager Skeete stated the Library Director will introduce the proposed revisions of Library Policy CIR-7. He pointed out to the Council that any changes to the City’s fee structure must be posted on the City’s website sixty (60) days before becoming effective.

Leanne McElroy explained the new CIR-6 policy was enacted and it dramatically changed how overdue materials, lost or damaged beyond repair would be handled by the Library. Therefore, revising CIR-7 is necessary to address the changes (omitted fee services and added clarification for damaged and incomplete material). Printing from microfilm was not included in CIR-6, but is listed in CIR-7. The Library Advisory Board approved the revisions on January 29th and that Policy CIR, – 7 Fines and Fees, is being presented to the Council for consideration and approval.

The Council directed staff to provide the Policy to Council for adoption at a future meeting. The proposed fee increase will be posted for sixty days. There was a brief discussion about reviewing and giving consideration to adopting Library policies in a regular council meeting verses discussion them in a work session.

6. **Request for the Mayor and Council to discuss and consider the five-year Capital Improvement Plan (CIP):** (Preliminary Plan attached).

City Manager Skeete stated that over the past couple of months staff has put many serious hours into a Capital Improvement Project Plan (CIP) in anticipation of what the City's long-term needs are. He stated the CIP is a tool for the staff and the Council to use for planning and funding the current year budget and four additional years. He asked the Council to really review and to consider projects within the CIP. He also noted that the Council may want to add project(s) that may be incorporated into the Plan, or may want to remove any project(s) in the Plan. Only Fiscal Year 2016/2017 of the CIP will be committed to and funded in this fiscal year budget. He invited Randy Petty, City Engineer to provide the presentation.

Randy Petty and Hilary Cuenin presented the Capital Improvement Projects for Fiscal Years 2016-2020. Mr. Petty referred to Page 1 which provides a summary of all departments capital improvement projects. Also, under each respective headings, the anticipated funds needed to complete that project or a portion of the project for that fiscal year.

Councilman Ortega questioned the expenditure for Firth Park restroom facility (Pg. 23).

City Manager Skeete explained Pages 1 and 2 of the document are a Summary of all supporting documents. Each Project has a supporting Capital Project Description following the Summary.

Mr. Petty continued to explain each respective heading represents each fiscal year along with anticipated expenses for that year. He noted staff are not requesting approval of the entire CIP at this time. However, staff will request approval of the fiscal year 15/16 during budget discussions. The entire CIP will not be approved at this time. He noted the further you go out into the future, the less reliable these anticipated funds become. Additionally, he asked the Council to let staff know if they want any of the listed projects moved up the list. The amounts have been included to give the Council some sense of the magnitude of the anticipated costs to ensure that capital improvements will be made, when and where they are needed, and to provide time for the City to explore funding opportunities to pay for them and to maintain them. He defined capital projects as non-routine expenditures that usually cost more than \$25,000 and result in the purchase of equipment, the acquisition of land, and/or the design or construction of new assets. The expected life of a capital projects is normally five years. These projects are the infrastructures we must have in place to provide a higher quality of life for current and future residents, businesses and visitors. At the bottom of the Summary (Pg. 2), the total cost of projects is provided per fiscal year. Furthermore, the CIP is divided into the General Government Fund, and Utility/Enterprise Fund requests. The balance of the document includes each CIP request on one page, requesting department, project name, location map(if necessary), project description and anticipated funds per fiscal year. Next year when staff report their successes on Fiscal Year 16/17, the five year CIP Plan will be presented to include Fiscal Years 2017/2018 thru 2020/2021. Many of the same projects will be contained in next year's report along with any new projects. The CIP being presented tonight totals \$7,256,200 for Fiscal Year 2016/2017. He stated staff's philosophy for presenting a Five Year CIP to the Council, is evident to be able to provide for the needs of the community and to prepare Safford for the future. It is being presented to the Council for review and for consideration. He noted that the needs are greater than the means to satisfy those needs. The CIP Plan provides a wide range of projects to include: Police Station, Library Improvements, Building Renovations, Parks and Open Spaces, Streets, Water, Wastewater Reuse and Delivery Systems, Roads and Sidewalks, Parking Lot Improvements, Computer Software, Hardware Systems, Flood Control, Drainage, Storm Drain, and Retention Ponds. After revenues have been anticipated for the next fiscal year, and staff has received feedback from the Council, some of these

projects may be moved up, moved back, reduced, or eliminated. However, much effort by staff has been put into this CIP list to make it as realistic as possible. All projects are important to the City and to its citizens. Mr. Petty reiterated that only the first year (FY 2016) will be recommended funding during the budget process. The remaining four years, for planning purposes and funding, are not guaranteed. The CIP will be updated annually to reflect changing priorities and economic conditions. Mr. Petty stated that he does not plan to review each and every project, but will review some projects which may need further discussion, unless the Council provide further direction.

Discussion of the following projects:

Expenditure for Firth Park Restrooms. Expenditure not sufficient. Concern for the public. The restrooms are currently locked because of vandalism and a biohazard situation that occurred in the facility. Moving the restroom facility is a consideration.

Expenditure for funding a skate park. Mr. Skeete explained the expenditure is in the budget for the project in case the group succeeds with funding for a skate park. It was the consensus of the Council to **remove** the skate park project from the CIP and to allow the group to go forward with applying for the grant and to provide the funding for a skate park. Mr. Skeete explained funding may be provided through contingency if the Council directs. The Council request staff review the plan (and the Council approve) if the group raises the funding and provides a plan to build a skate park.

Water Exploration: Concern annual expenditure is not sufficient for water exploration. Expenditure is for finding and testing water sources.

Water Treatment Plant: Consider **adding** water treatment plant to CIP (long-term).

Recycling Containers: No current Recycling Program. Implementing Recycling Program will result in a 20% reduction at Landfill. In process of compiling a Request for Proposals for Recycling Services.

Fire Department Facilities: **Add** new Fire Department Facility to CIP.

Police Facility: Current facility is no longer adequate for the growing needs of Police operations. Summary on Page 4 of CIP.

Library Building Improvements: The Library is in need of significant upgrades or improvements. Summary on Page 7 of CIP. Grants will be pursued.

Kiosk for Customer Services: Summary on Page 13 of CIP. Kiosk will add opportunity for customers to pay their bill twenty-four hours a day, seven days a week and will alleviate congestion during peak billing hours.

Street Improvements: Summary on Page 23 of CIP. 1) Central Avenue, 2) 1st Street, 3) 8th Street, 4) North 8th Avenue, 5) Design 14th Avenue, and 6) Design Relation Street.

Drainage Projects: Summary on Page 24 of CIP. 1) Welker Farms, 2) Jensen Addition, 3) Cotton Gin, 4) East 8th Street.

Water Upgrades: Summary on Page 34 of CIP. Current water line is about seventy-five years old. Phase III Construction; Phase IV & V – Design; Phase IV – Construction and Phase 5 – Construction.

Wastewater – Reclaimed Water Pipeline Project: Summary on Page 52 of CIP. Reclaimed water main from the old lagoon (14th Avenue), south across Highway 70. Project will serve Firth Park, City Hall, and various government facilities, Safford High School, Ruth Powell, Lafe Nelson and the Safford Middle School.

Electric Rebuild: Summary on Page 56 of CIP. Replacement of wooden poles with steel engineered poles (north side of Highway 70 from the Garden Inn Hotel west to the Mt. Graham Shopping Center).

Electric Upgrade: Summary on Page 57 of CIP. Substation upgrades.

Street Improvements: Summary of Page 23 of CIP. 14th Avenue and Relation Street.
Move both projects up on priority list.

Electric: Replacement & Upgrade: Summary on Page 60 of CIP. Pole replacement and conductor upgrade at 8th Avenue and 4th Street, east to the 400 block of East 4th Street. Consider **option of underground** in the design.

Manhole Rehabilitation: One-hundred manholes are rehabilitated annually.

Space Study: Summary on Page 9 of CIP. Conduct an office space study at City Hall and the old City Court Building.

Electric: Attachment Inventory/Pole Testing: Summary on Page 59 of CIP. Comprehensive Inventory/Testing integrity of each pole and attachments.

Electric - Upgrade: Summary on Page 58 of CIP. Upgrade existing direct bury primary at the Sunrise Village Mobile Home Park.

Parks – Improvements & Repairs: Summary on Page 28 of CIP. 1) Swimming Pool; 2) Park Lighting, 3) Event Park; 4) Cemetery; and 5) Skate Park.

Mayor Gibbs reiterated the need for further discussion of a new fire department facility.

7. MEETINGS/ACTIVITIES HELD OR TO BE HELD BY COUNCIL OR CITY STAFF:

- Monday, March 9th Council Meeting: Budget Presentation-Revenue Projections & Grant Revenues
- Monday, March 23, 2015 Council Work Session: Departmental Budget Presentations

Councilman Ortega and City Manager Skeete attended the San Carlos Apache Tribe Inaugural affirming Allred Pike Jr. to the Tribal Council for the Bylas district.

Councilman Ortega will attend the SEAGO Meeting on Friday.

Councilman Lopez attended the Annual ADOT Meeting held in Greenlee County last week.

Mayor Bob Rivera underwent back surgery today. The Council wish him a successful and speedy recovery.

8. ADJOURN: It was moved by Councilman Ortega, seconded by Vice Mayor Bingham, and carried unanimously to adjourn regular session at 7:47:22 p.m. **MOTION ADOPTED**

APPROVED:

Wyn "Chris" Gibbs, Mayor
City of Safford

ATTEST:

Georgia Luster, MMC
City Clerk

STATE OF ARIZONA)
) ss
County of Graham)

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the Council Work Session Minutes of the Safford City Council, Graham County, Arizona held Monday, February 23, 2015, and approved at a Regular Council Meeting on Monday, March 9, 2015. I further certify the meeting was duly called, held and that a quorum was present.

March 9, 2015

Date:

Georgia Luster, MMC, City Clerk



CITY COUNCIL COMMUNICATION

TO: Mayor and Council
FROM: Joe Brugman, Chief of Police
SUBJECT: AzGOHS Grant
DATE: Monday, March 9, 2015 at 6:00 p.m.

Purpose and Recommended Action: Approve and adopt Resolution Number 15-009, pertaining to the submission of projects for consideration in Arizona's 2016 AzGOHS Highway Safety Plan.

Background: The Safford Police Department requests consideration and approval of the annual Arizona Governor's Office of Highway Safety Grant Application.

Analysis: This department is requesting overtime funding in the amount of \$15,000.00 for DUI and Selective Traffic Enforcement. In addition, we are requesting \$11,041.00 for four Traffic Lasers. Our proposal to AzGOHS totals \$26,041.00 for the 2016 Highway Safety Plan.

RESOLUTION NUMBER 15-009
(DUI-ALCOHOL AND TRAFFIC ENFORCEMENT)

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SAFFORD,
GRAHAM COUNTY, ARIZONA PERTAINING TO THE SUBMISSION OF PROJECTS FOR
CONSIDERATION IN ARIZONA’S 2016 AZGOHS HIGHWAY SAFETY PLAN.**

WHEREAS, the Governor’s Office of Highway Safety is seeking proposals from state and local agencies for projects relating to all aspects of highway safety; and,

WHEREAS, the City of Safford, through the Safford Police Department is interested in submitting DUI-Alcohol and Traffic Enforcement to be considered for funding in the form of reimbursable grants from the National Highway Traffic Safety Administration; and,

NOW THEREFORE BE IT RESOLVED, by the Mayor and City Council for the City of Safford, Arizona as follows:

1. THAT approval of the submission of projects for consideration in Arizona’s 2016 Highway Safety Plan is granted.
2. THAT Joe Brugman, Chief of Police is appointed agent for the City of Safford, to conduct all negotiations and to execute and submit all documents and any other necessary or desirable instruments in connection with such grant.

PASSED, ADOPTED AND APPROVED by the Mayor and City Council of the City of Safford, Graham County, Arizona this 9th day of March, 2015.

Wyn “Chris” Gibbs, Mayor
City of Safford
(928)432-4001

ATTEST:

APPROVED AS TO FORM:

Georgia Luster, MMC
City Clerk
City of Safford
(928)432-4001

William J. Sims
Interim City Attorney

CERTIFICATION

I HEREBY CERTIFY, that the foregoing Resolution Number 15-009 was duly passed and adopted by the Mayor and City Council of the City of Safford, Graham County, Arizona, at a regular meeting held March 9, 2015, and that a quorum was present at the meeting.

Georgia Luster, MMC, City Clerk

March 9, 2015

Date:



CITY COUNCIL COMMUNICATION

TO: Mayor and Council
FROM: Dustin Welker, Planning and Community Development Director
SUBJECT: Case Z-01-15 Rezone Ordinance
DATE: Monday, March 9, 2015 at 6:00 p.m.

Purpose and Recommended Action:

First Reading of Ordinance Number 15-001, a rezone from R1-6 (Single Family Residential) to C-MH(Conventional and Manufactured Home) on Graham County Parcel # 101-19-043, 1213 9th Avenue, Safford, Arizona. (Staff, Dustin Welker) **FIRST READING**

Attachment: Ordinance Number 15-001

ORDINANCE NUMBER 15-001
(Case Z-01-15, Zoning Request from R1-6 to C-MH)

AN ORDINANCE OF THE CITY OF SAFFORD, GRAHAM COUNTY, ARIZONA EFFECTUATING A MAP AMENDMENT TO THE ZONING MAP OF THE CITY OF SAFFORD, GRAHAM COUNTY ASSESSOR'S PARCEL NUMBER #101-19-043, A REZONE FROM R1-6 (SINGLE FAMILY RESIDENTIAL) TO C-MH (CONVENTIONAL AND MANUFACTURED HOME).

WHEREAS, the City of Safford desires to facilitate land uses consistent with the general plan authorized by the voters; and,

WHEREAS, the Planning & Zoning Commission has recommended the attached zoning map amendment (Exhibit A), Graham County Assessor's Parcel #101-19-043, a rezone from R1-6 (Single Family Residential) to C-MH (Conventional and Manufactured Home ; and,

WHEREAS, the City Council finds that the proposed change is desirable and in accordance with applicable laws, ordinances and regulations; and

WHEREAS, the City Council also finds Section 17.44.010, of the *City of Safford Municipal Code*, concerning the C-MH zone, have been satisfied as they relate to amendment of the *City of Safford Municipal Code*; and,

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Safford, that the official zoning map of the City of Safford as described in Section 17.24.020 of the *City of Safford Municipal Code* is hereby amended as set out in the attached Exhibit A, all as attached and incorporated herein.

PASSED, APPROVED AND ADOPTED by the Mayor and City Council of the City of Safford, Graham County, Arizona this 23rd day of March, 2015 with an effective date of the 23rd day of April, 2015.

Wyn "Chris" Gibbs, Mayor
City of Safford

ATTEST:

APPROVED AS TO FORM:

Georgia Luster, MMC
City Clerk

William J. Sims
Interim City Attorney

Ordinance Number 15-001
Adopted: March 23, 2015
Effective: April 23, 2015
Page 2

CERTIFICATION

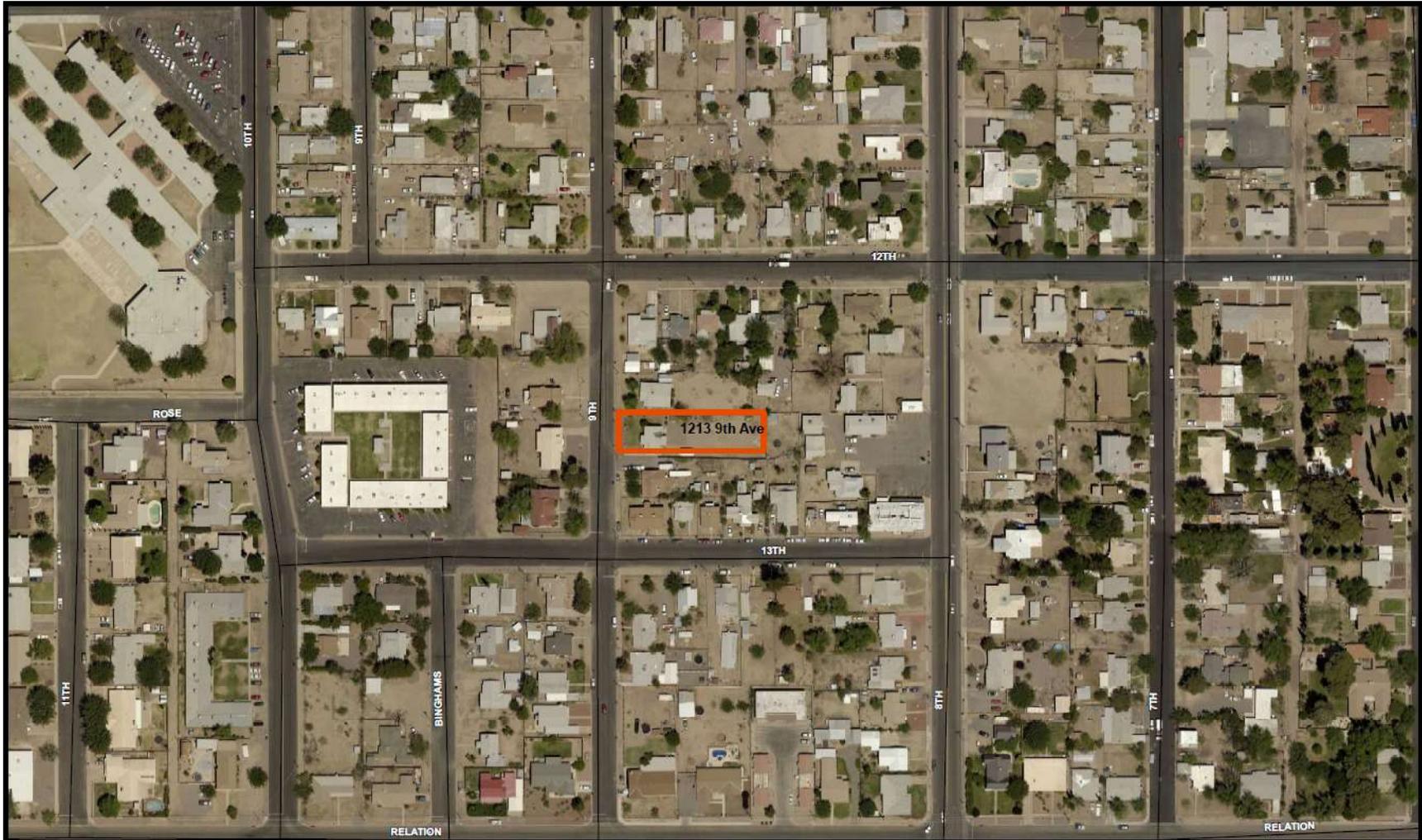
I HEREBY CERTIFY, that the foregoing Ordinance Number 15-001 was duly passed and adopted by the Mayor and City Council of the City of Safford, Graham County, Arizona, at a special council meeting held March 23, 2015 with an effective date of April 23, 2015. A quorum of the Council was present at the meeting.

Georgia Luster, MMC
City Clerk

Date:

DRAFT

Exhibit A



1213 9th Avenue, Safford, Arizona 85546

Graham County Parcel # 101-19-043

BEGINNING at a point 126.45 feet North of the Southwest corner of Block 2, BEEBE'S ADDITION, according to File No. 2, B-2, records of Graham County, Arizona; Running Thence North 60 feet; Thence East 222 feet; Thence south 60 feet; Thence West 222 feet to the POINT OF BEGINNING.



CITY COUNCIL COMMUNICATION

TO: Mayor and Council
FROM: Dustin Welker, Planning and Community Development Director
SUBJECT: Ordinance amending Title 17.16.020
DATE: Monday, March 9, 2015 at 6:00 p.m.

Purpose and Recommended Action:

First Reading of Ordinance Number 15-002, an amendment to Title 17.16.020 of *City of Safford Municipal Code*, Nonconforming Buildings and Uses, eliminating restrictions to the use of properties in the event of a fire, flood, or other calamity or act of nature. (Staff, Dustin Welker) **FIRST READING**

Attachment: Ordinance Number 15-002

ORDINANCE NUMBER 15-002

AN ORDINANCE OF THE CITY OF SAFFORD, GRAHAM COUNTY, ARIZONA, AMENDING TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF SAFFORD BY MODIFYING SECTION 17.16.020, NONCONFORMING BUILDINGS AND USES.

WHEREAS, two years ago the City of Safford went through a comprehensive rewrite of the Zoning Ordinance, Title 17. One item that was added to the Municipal Code of the City of Safford was Section 17.16.020, Nonconforming Buildings and Uses; and,

WHEREAS, Section 17.16.020(B), requires revising eliminating restrictions to the use of properties in the event of a fire, flood, or other calamity or act of nature.

NOW THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Safford, Graham County, Arizona, that **Section 17.16.020** of the Municipal Code of the City of Safford as contained in Title 17, Zoning, is amended as stated below:

~~B. A nonconforming building or structure and a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, other calamity or act of nature, to an extent greater than fifty (50) percent of its reconstruction or replacement value, as determined by three (3) competent appraisers, shall not be restored or reconstructed and said building or structure and the use of the land shall conform to all regulations for the zoning district in which said building or structure is located. The services of the three (3) appraisers shall be retained by the owner of the building or structure after the three (3) appraisers are mutually agreed upon by the city and the owner of the building or structure.~~

~~BC.~~ In the event that ~~r~~Restoration of a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, other calamity or act of nature ~~is allowed, such restoration~~ shall be started within a period of six (6) months from the date of destruction and shall be diligently prosecuted to completion. Such restoration shall not increase the floor space devoted to the nonconforming use over that which existed at the time the building became nonconforming.

~~DC.~~ A nonconforming building or structure or portion thereof or a lot occupied by a nonconforming use which is, or hereafter becomes, abandoned or is discontinued for a continuous period of six months or more shall not thereafter be occupied, except by a use which conforms to the regulations of the zone in which it is located.

~~DE.~~ Any nonconforming use or nonconforming building which has been changed to a conforming use or building shall not thereafter be changed back to a nonconforming use or building.

~~EF.~~ A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use.

~~FG.~~ The provisions pertaining to nonconforming uses of land and buildings shall also apply to land and buildings which hereafter become nonconforming due to an amendment in this title.

~~GH.~~ Notwithstanding the issuance of a permit therefor, no building which becomes nonconforming upon the passage of the ordinance codified in this title or which becomes nonconforming due to amendment to this title shall be built unless construction has taken place thereon to the extent of at least five hundred dollars (\$500.00) in replaceable value by the date on which the ordinance codified in this title or said amendment becomes effective. "Replaceable value" means the expenditure necessary to duplicate the materials and labor at market prices. (*Ord. 96-347 § 1(11-4-2); Ord. No. 13-004, 4-8-2013*)

Ordinance Number 15-002
Municipal Code Amendment 17.16.020
Adopted: March 23, 2015
Effective: April 23, 2015

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL of the City of Safford
this 9th day of March, 2015 with an effective date of April 23, 2015.

Wyn "Chris" Gibbs, Mayor
City of Safford

ATTEST:

APPROVED AS TO FORM:

Georgia Luster, MMC
City Clerk

William J. Sims, III
Interim City Attorney

CERTIFICATION

STATE OF ARIZONA)
) ss
County of Graham)

I HEREBY CERTIFY, that the foregoing Ordinance Number 15-002 was duly passed and adopted by the Mayor and City Council of the City of Safford, Graham County, Arizona, at a special council meeting held March 9, 2015 with an effective date of April 23, 2015. A quorum of the Council was present at the meeting.

Georgia Luster, MMC
City Clerk

Date: