

**MINUTES OF THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL HELD ON TUESDAY, MAY 4, 2021 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA**

1. Call to Order.

Mayor Leech called the meeting to order at 7:00 p.m.

2. Roll Call.

**COUNCIL MEMBERS PRESENT:** Mayor Leech, Vice Mayor Kakavas, Councilman Adams, Councilman Allsop, Councilman Hatch, Councilwoman Wilson and Councilman Clark (arrived at 7:06 p.m.).

**COUNCIL MEMBERS ABSENT:** None.

**STAFF MEMBERS PRESENT:** Ed Muder, City Manager; F. Morgan Brown, City Attorney; Justin Johnson, Deputy City Manager; Joe Shelley, Police Chief; Bill Kopp, Public Works Director; Shane Hemesath, City Engineer; Jay Brimhall, Community Services Director; Nicole Hudson, Deputy City Clerk; and Rachael Hall, City Clerk.

**GUESTS:** John C. Hannah, Doug Roberts, Ines Beall, and others.

3. Invocation.

Councilman Adams gave the invocation.

4. Pledge of Allegiance.

Vice Mayor Kakavas led the Council and audience in the pledge of allegiance.

5. **CALL TO THE PUBLIC:**

Any citizen desiring to speak on a matter that is within the jurisdiction of the City Council may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the City Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the City Council. Pursuant to the Arizona Open Meeting Law, the City Council cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual City Council members may (1) respond to criticism made by those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.

Kail Clark and Adri Lopez, students at Show Low High School, said the music department was presenting "Mary Poppins" on May 5 to 7, at the Show Low

School District Auditorium at 7:00 p.m. each evening. A matinee would be performed on Saturday, May 8, at 1:00 p.m. Tickets could be purchased at the door.

6. **CONSENT CALENDAR:**

- A. Proclamation by the Mayor Proclaiming May 2 through 8, 2021 as **Cougar Stunt Team State Championship Week** in the City of Show Low.
- B. Proclamation by the Mayor Proclaiming May 2 through 8, 2021 as **Cougar Cheerleading State Championship Week** in the City of Show Low.
- C. Proclamation by the Mayor Proclaiming May 2 through 8, 2021 as **Cougar Academic Decathlon Team Week** in the City of Show Low.
- D. Consideration of Approval of Memorandum of Understanding with United States Marshals Service for Fugitive Task Force. (Joe Shelley)
- E. Consideration of Award of Purchase of Man Lift. (Rick Austin)
- F. Consideration of Minutes of Show Low City Council meetings:
  - (1) Study Session of April 15, 2021.
  - (2) Regular Meeting of April 20, 2021.

**COUNCILMAN ALLSOP MOVED TO APPROVE THE CONSENT CALENDAR AS PRESENTED; SECONDED BY COUNCILMAN HATCH; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, ALLSOP, HATCH, AND WILSON VOTING IN FAVOR.**

Mayor Leech read the proclamations aloud for the Show Low High School cheerleading and stunt teams, both of whom won state championships this year. The stunt team also won USA Spirit Nationals.

Mayor Leech read the proclamation aloud for the Show Low High School Academic Decathlon team who won a state championship this year.

7. **NEW BUSINESS:**

- A. Consideration of Award of Construction Contract for West Owens Roadway and Waterline Improvements, City of Show Low Project No. R-1020. (Shane Hemesath)

Mr. Hemesath said the City's fiscal year 2021 capital improvements program budget included \$126,000.00 for a roadway improvement project labeled "West Owens from Pine Haven to DOC." This project consisted of

building an extension for West Owens to eliminate a gap between the Deuce of Clubs and Central Avenue. The scope of work included installing approximately 500 linear feet of new 24-foot wide roadway with curb and gutter, sidewalk, and the required drainage improvements. After evaluating the area, an extension of an eight-inch waterline through this corridor was also included in the scope of work to increase redundancy in the water distribution system.

Mr. Hemesath said for the water improvements, funding had been identified from project savings. Additional funding for the roadway improvements had been identified in the bid savings from the Citywide paving improvement project awarded last month.

Mr. Hemesath said the project was designed by City engineering staff. The project had a construction estimate of \$178,000.00 for both improvements. The project was publicly bid according to statutory requirements with the following results:

<u>Contractor</u>	<u>Total Bid</u>
McCauley Construction, Inc.	\$193,512.50
Rawlings Specialty Contracting	\$195,150.00
Surface Contracting	\$196,800.00
Apache Underground and Excavating	\$206,560.80

Mr. Hemesath said staff recommended awarding the construction contract for the West Owens Roadway and Waterline Improvements, City of Show Low Project No. R-1020, to McCauley Construction, Inc. in an amount not to exceed \$193,512.50, and approving the associated budget transfers.

**COUNCILWOMAN WILSON MOVED TO AWARD THE CONSTRUCTION CONTRACT FOR THE WEST OWENS ROADWAY AND WATERLINE IMPROVEMENTS, CITY OF SHOW LOW PROJECT NO. R-1020, TO MCCAULEY CONSTRUCTION, INC. IN AN AMOUNT NOT TO EXCEED \$193,512.50, AND APPROVE THE ASSOCIATED BUDGET TRANSFERS; SECONDED BY COUNCILMAN HATCH; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND WILSON VOTING IN FAVOR.**

- B. Consideration of Approval of License Agreement with Three of a Kind, LLC. (Bill Kopp)

Mr. Kopp said the COVID-19 pandemic had created challenges for the food service and hospitality industry and government mandated seating limitations at restaurants have impacted revenues. In response to this, the Arizona Governor’s office had granted the opportunity for restaurants that front public streets to use public rights-of-way for restaurant seating.

Many cities across the country allowed the use of rights-of-way for dining areas even prior to the COVID-19 pandemic. Recently, City staff was approached by Three of a Kind, LLC, the operators of The House restaurant, to extend their outdoor dining to the back of the sidewalk along East Hall. The extension would offset table space lost because of social distancing requirements. The area would extend approximately seven feet into the City right-of-way. As a part of the proposed dining area extension, the restaurant would install a removable three-foot high steel framed and wood slat fence at the back of the sidewalk. The license agreement allowed for the use of the property after the COVID-19 restrictions were lifted.

Mr. Kopp said any additional extension of commercial operations for other businesses would only be allowed in the downtown commercial district and would be licensed by the Council on a case-by-case basis.

Mr. Kopp said staff recommended approving the license agreement with Three of a Kind, LLC for commercial operations within the City right-of-way in the downtown commercial district.

Councilman Adams asked if the seating would return to previous operations once the restrictions were lifted. Mr. Kopp said no, the license agreement was being presented so the new seating arrangements and fence would remain after the restrictions from COVID-19 were lifted.

**VICE MAYOR KAKAVAS MOVED TO APPROVE THE LICENSE AGREEMENT WITH THREE OF A KIND, LLC FOR COMMERCIAL OPERATIONS WITHIN THE CITY RIGHT-OF-WAY IN THE DOWNTOWN COMMERCIAL DISTRICT; SECONDED BY COUNCILWOMAN WILSON; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND WILSON VOTING IN FAVOR.**

8. **SUMMARY OF CURRENT EVENTS:**

A. Council Members

Councilman Allsop gave his condolences to the Carlisle family for the passing of Wade Carlisle. He congratulated the Show Low High School Varsity Baseball team for their recent win against Chino Valley.

Councilman Adams said a national baseball club tournament was scheduled to play in Show Low this July. He thanked City staff for their efforts in organizing the upcoming tournament.

B. Mayor

Mayor Leech gave his condolences to the Carlisle family for the passing of Wade Carlisle. He said last Saturday, the City held the BBQ Throwdown event, which was well attended and he received many positive comments.

Mayor Leech said Steak Cook-off Association would host a steak competition in Show Low during Father's Day weekend. He said Summit Healthcare would sponsor a kids-q during this event.

C. City Manager

Mr. Muder said the City's annual Project Clean Sweep was scheduled to kick off next week. Show Low residents could dump green waste for free for two weeks at Dirty Deeds Green Waste at 890 Cinder Pit Road, from May 10 to May 15, and again from May 17 to May 22, from 8:00 a.m. to 4:00 p.m. Other services through Project Clean Sweep would take place beginning in June. A flyer with more information would be distributed with the next utility billing and would be posted on the City's website.

Mr. Muder said Show Low Main Street's weekly Saturday farmers' market and art walk would begin May 22, at Festival Marketplace along Cooley. The market would run through September. The market would have vendors selling produce, food products, and arts and crafts.

Mr. Muder said Police Chief Joe Shelley would be retiring from the City after seven years of service. He thanked him for his leadership and dedication and wished him the best in his retirement.

Mr. Muder said this week, the City was celebrating the 52nd Annual Professional Municipal Clerks week and recognized the essential role Municipal Clerks play in local government.

Mr. Muder congratulated Nicole Hudson, who was awarded the prestigious Certified Municipal Clerk (CMC) designation last month. Ms. Hudson put in a lot of time, hard work, and dedication to earn this designation and by earning her CMC she was promoted from assistant city clerk to deputy city clerk.

Mr. Muder said in public works projects, construction continued on the 11th Avenue waterline replacement from Owens (near the aquatic center) going north to West McNeil, and was near completion. He thanked the citizens for their patience as the City made important improvements to infrastructure.

Mr. Muder said the City would potentially be implementing Stage I fire restrictions effective Friday, May 7. Detailed information would be posted on the City's website and social media.

9. **SCHEDULING OF MEETINGS:**

Scheduling of meetings, which may be brought up at this time.

Mr. Muder said a joint meeting with the Pinetop-Lakeside Town Council would be held Tuesday, May 25, at 6:00 p.m. He said more information would be forthcoming.

**COUNCILMAN ALLSOP MOVED TO RECESS INTO EXECUTIVE SESSION TO DISCUSS PROPERTY ACQUISITION OF A.P. NOS. 210-30-016, 210-30-018, AND 210-30-019 AND REVIEW THE EXECUTIVE SESSION MINUTES OF APRIL 6 AND APRIL 20, 2021; SECONDED BY COUNCILMAN HATCH; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND WILSON VOTING IN FAVOR**

The Show Low City Council recessed in Executive Session at 7:40 p.m

10. **EXECUTIVE SESSION.**

A. Confidentiality Statement.

B. Discussion or consultation for legal advice with the attorney or attorneys of the public body or with designated representatives of the public body in order to consider its position and instruct its representatives pursuant to A.R.S. Sections 38-431.03(A)(3) and 38-431.03(A)(7).

(1) Property Acquisition - A.P. Nos. 210-30-016, 210-30-018, and 210-30-019.

C. Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law. Pursuant to A.R.S. Section 38-431.03(A)(2).

(1) Executive Session Minutes of April 6, 2021.

(2) Executive Session Minutes of April 20, 2021.

11. **POST EXECUTIVE SESSION.**

Consideration of any item on the Executive Session portion of this agenda, which the Council may wish to take action upon in Open Session.

The Show Low City Council reconvened into Open Session at 8:04 p.m.

- A. Consideration of Approval of the Minutes of the Executive Session of the Show Low City Council Held on April 6 and April 20, 2021.

**COUNCILMAN HATCH MOVED TO APPROVE THE MINUTES OF THE EXECUTIVE SESSIONS HELD APRIL 6 AND APRIL 20, 2021; SECONDED BY COUNCILWOMAN WILSON; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND WILSON VOTING IN FAVOR**

12. **ADJOURNMENT.**

There being no further business to be brought before the Council, **MAYOR LEECH ADJOURNED THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL OF MAY 4, 2021 AT 8:05 P.M.**

ATTEST:

APPROVED:

\_\_\_\_\_  
 Rachael Hall, City Clerk

\_\_\_\_\_  
 John Leech, Jr., Mayor

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**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the **REGULAR MEETING** of the City Council of Show Low held on May 4, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
 Rachael Hall, City Clerk