

TOWN OF GILA BEND

Minutes of the October 11, 2011 regular Council meeting

I. CALL TO ORDER

- A. Call to order **Mayor Henry called the meeting to order at 6:02pm**
- B. Pledge of Allegiance **Led by Mayor Henry**
- C. Invocation **Given by Fred Hull**

II. ROLL CALL

Mayor Ron Henry
Vice-Mayor Chuck Turner **arrive 6:29pm**
Council Member Fernando Fernandez
Council Member Armida Gonzalez

Council Member Steve Holt
Council Member Tommy Lee Sikes
Council Member Donny Young

Staff present: Town Manager Buss, Town Attorney McClure, Town Clerk Turner, Finance Director Young, Planning & Economic Development Director Fitzer, Parks & Recreation Director Turner, Deputy Town Clerk Eisenberger, Interim Fire Chief Baldrige

III. CONSENT AGENDA (all items subject to approval by a single motion; any Council Member may require any of these items to be voted on separately **Councilmember Young made a motion to approve. Motion seconded by Councilmember Fernandez. No discussion. Motion to approve passed unanimously; 6-0**

- A. Approval of Council Meeting Minutes: The Mayor and Town Council shall discuss and possibly take action on the approval of the September 27, 2011 work session and meeting minutes. **Discussion and Action (SALMON)**
- B. Payment of Claims: The Mayor and Town Council shall discuss and possibly take action to ratify claims in the amount of \$158,356.90 for the period of September 16, 2011 through September 30, 2011. **Discussion and Action (BLUE)**
- C. Budgetary Transfer: The Mayor and Town Council shall discuss and possibly take action to transfer funds from the Town Manager's Contingency line item 10-46-700 to Parks and Recreation line item 10-84-760 Electrical repairs to Community park for the lights and concession building and 10-84-765 Electrical repairs to Town Pool and to approve the total cost for these expenditures at a not-to-exceed amount of \$13,350.00. **Discussion and Action**
- D. Budgetary Transfer: The Mayor and Town Council shall discuss and possibly take action to transfer funds from the Town Manager's Contingency line item 10-46-700 to the Fire Department Maintenance of Vehicles line item 11-55-435 in the amount of \$4,900.00 to re-coat the 2600 gallon tank on the Fire Departments Tender T-381, and to approve the total cost of this expenditure at a not-to-exceed amount of \$4,900.00. **Discussion and Action**

IV. PUBLIC HEARING #1:

Solar Field Overlay Zone SFOZ-11.02: Chris Lentz with United Engineering Group on behalf of Silverado Power LLC is requesting approval of a Solar Field Overlay Zone (SFOZ) for the proposed Octavia Greenworks Solar Generating Facility. This proposal includes a total of 195 Megawatts (MW) of Photovoltaic (PV) solar panels located on approximately 736 acres. The Site is generally located on the northwest corner of Stout Road and Watermelon Road within the incorporated limits of the Town of Gila Bend; the site is zoned Rural (AG). **PUBLIC COMMENT ONLY Mayor Henry opened the Public Hearing at 6:03pm. Councilmember Holt made a motion to table Solar Field Overlay Zone SFOZ-11.02. Motion seconded by Councilmember Sikes. No discussion. Motion to table passed unanimously; 6-0 Mayor Henry closed the Public Hearing at 6:04pm**

PUBLIC HEARING #2:

Solar Field Overlay Zone SFOZ-11.03: Joshua Fields with SolarReserve is requesting approval of a Solar Field Overlay Zone (SFOZ) for the proposed Cotton Center 3 & 4 Solar Generating Facility. This proposal includes a total of 40 Megawatts (MW) of Photovoltaic (PV) solar panels located on approximately 470 acres. The Site is generally located ½ mile east of Old U.S. 80 on the Fornes Road Alignment within the incorporated limits of the Town of Gila Bend; the site is

zoned Planned Community (PC; Sonoran Trails). **PUBLIC COMMENT ONLY Mayor Henry opened the Public Hearing at 6:04pm. No public comments. Mayor Henry closed the Public Hearing at 6:05pm.**

V. BUSINESS – Discussion and possibly action on the following items:

- A. **Ordinance 11-11 (Solar Field Overlay Zone SFOZ-11.02)**: An Ordinance of the Town Council of the Town of Gila Bend, Arizona, amending the “Town of Gila Bend Zoning Map” by establishing a Solar Field Overlay Zone (SFOZ) over the current zoning classification of a certain parcel of land zoned Rural; (AG). **Discussion and Action (WHITE) Councilmember Holt motioned to table Ordinance 11-11 (Solar Field Overlay Zone SF)Z-11.02). Motion seconded by Councilmember Sikes. No discussion. Motion to table passed unanimously; 6-0**
- B. **Site Plan Review SPR-11.03**: Chris Lentz with United Engineering Group on behalf of Silverado Power LLC is requesting approval of a Site Plan for the proposed Octavia Greenworks Solar Generating Facility. This proposal includes a total of 195 Megawatts (MW) of Photovoltaic (PV) solar panels located on approximately 736 acres. The Site is generally located on the northwest corner of Stout Road and Watermelon Road within the incorporated limits of the Town of Gila Bend; the site is zoned Rural (AG) and is currently under an application for a Solar Field Overlay zone (SFOZ) case number SFOZ-11.02. **Discussion and Action Councilmember Sikes moved to table B. Site Plan Review SPR-11.03. Motion seconded by Councilmember Fernandez. Motion to table passed unanimously; 6-0**
- C. **Minor Subdivision SUB-11.03**: Joshua Fields with SolarReserve, is requesting approval of the Cotton Center 3 & 4 Final Plat. This proposal is to subdivide and reconfigure Assessor’s Parcel Number(s) [APN#(’s)] 401-74-003A, 401-74-003F, 401-74-003D. 401-74-005A, 401-74-005D and 401-74-005B into four parcels. The “Cotton Center 3 & 4” parcels will range in size from ±58.20 acres up to ±238.49 acres. The Site is generally located ½ mile east of Old U.S. 80 on the Fornes Road Alignment within the incorporated limits of the Town of Gila Bend; the site is zoned Planned Community (PC; Sonoran Trails) and is currently under an application for a Solar Field Overlay Zone (SFOZ) case number SFOZ-11.03 and a Site Plan Review (SPR) case number SPR-11.04. **Discussion and Action Planning & Economic Development Director Fitzer noted that the applicant was not present, Planning Commission approved this on October 6, 2011, and this is to subdivide and reconfigure. Josh Fields, of Solar Reserve, showed a presentation on company overview, projects completed, management team experience, project rationale, project details and project benefits. Mr. Fields answered questions after the presentation. Discussion on this project not owned by APS, two to five permanent positions when complete, build time of approximately nine months, plan to secure local products and services with competitive prices and local labor force as much as possible and project planned as a single access tracker project as that is the more difficult to do and is easier to change from single access tracker to fixed tracker project. Councilmember Holt moved to approve C. Minor Subdivision SUB-11.03. Councilmember Fernandez seconded. Motion passed unanimously; 6-0.**
- D. **Ordinance 11-12 (Solar Field Overlay Zone SFOZ 11-03)**: An Ordinance of the Town Council of the Town of Gila Bend, Arizona, amending the “Town of Gila Bend Zoning Map” by establishing a Solar Field Overlay Zone (SFOZ) over the current zoning classification of a certain parcel of land zoned Planned Community (PC). **Discussion and Action Planning & Economic Development Director Fitzer noted that this is for Lots #1 and #3. Councilmember Holt moved to approve. Councilmember Young seconded. No further discussion. Motion to approve passed unanimously; 6-0**
- E. **Site Plan Review SPR-11.04**: Joshua Fields with SolarReserve is requesting approval of a Site Plan for the proposed Cotton Center 3 & 4 Solar Generating Facility. This proposal includes a total of 40 Megawatts (MW) of Photovoltaic (PV) solar panels located on approximately 470 acres. The Site is generally located ½ mile east of Old U.S. 80 on the Fornes Road Alignment within the incorporated limits of the Town of Gila Bend; the site is zoned Planned Community (PC; Sonoran Trails) and is currently under an application for a Solar Field Overlay Zone (SFOZ) case number SFOZ-11.03. **Discussion and Action Director Fitzer commented that this item corresponds with the solar photovoltaic panels. Councilmember Holt moved to approve the Site Plan Review SPR-11.04. Motion seconded by Councilmember Gonzalez. Motion to approve passed unanimously; 7-0**

- F. **Resolution 11-19:** A Resolution of the Mayor and Town Council of the Town of Gila Bend, Arizona, approving a Redevelopment Plan for the Bend Redevelopment District Area. **Discussion and Action Councilmember Holt moved to table items F and G. Councilmember Sikes seconded. No discussion. Motion to table items F and G passed unanimously; 7-0**
- G. **Resolution 11-20:** A Resolution of the Mayor and Town Council of the Town of Gila Bend, Arizona, designating an area as a Single Central Business District of the Town of Gila Bend. **Discussion and Action Tabled (see Item F.)**
- H. **Employee Compensation:** Pursuant to Council action on July 26, 2011, the Council shall discuss and possibly take action on whether to grant staff the authority to conduct merit reviews and whether to issue annual raises based on those merit reviews. **Discussion and Action Item was tabled on 9/27/2011 Town Manager Buss noted that on the Staff Report handed out that Option #2 was added and reflected the reverse sliding scale. Vice Mayor Turner moves to choose Option 2 reflecting the 4-3-2-1 percent sliding scale. Motion seconded by Councilmember Gonzalez. Councilmember Young noted that he feels that by choosing Option 2 those that are doing a good job are being penalized because they make more money and that a wrong message is being sent. Town Manager Buss provided more specifics on how a reverse sliding scale works. Councilmember Young noted that he does not believe it is the Council's job to suggest pay raises for staff but should be done by the Town Manager, it is not only the economy that should be considered but how much the Town can afford, the amounts budgeted, that it hits people in the pocket and reiterated his belief that it is penalizing people that are doing a good job. Councilmember Young noted that wage caps could be set in place but that it should be up to the Town Manager to give employee raises from 0 to 6%, depending on each individual employees performance. Town Manager Buss commented that there was a Motion and a Second on the table but on July 26th Council approved that raises were to be retroactive and that a retroactive date should be included in the motion. Vice Mayor Turner noted that the education policy to be put in place offsets the reverse sliding scale. Discussion on the education policy, policy will be going before Council the first meeting in November, that most municipalities have one in place and that Council totally supports giving employees an opportunity to advance their positions through education and spoke about the benefits of an education policy. Mayor Henry commended Town Manager Buss on the reverse sliding school and it was what they were looking for this year and feels that a 6 to 7% raise across the board was out of place. Town Manager Buss noted that the Town's financial condition is good, better than it has been in a long time but that the Town should remain fiscally conservative and this is a compromise position to be able to move forward. Councilmember Gonzalez asked for clarification on the reverse sliding scale being temporary with Mayor Henry responding that this is for this year;s budget only since they didn't have the time to address. Vice Mayor Turner amended his motion to include the it be retroactive to the beginning of the fiscal year. The amended motion was seconded by Councilmember Gonzalez. No further discussion. Councilmember Gonzalez seconded the motion to approve Option 2 reflecting the 4-3-2-1 percent sliding scale, retroactive to July 1, 2011. Motion passed; 6-1 with Councilmember Young voting no.**
- I. **Cemetery Road ROW & Easement Corridor:** The Mayor and Town Council shall discuss and possibly take action to authorize staff to prepare a Request for Scope of Work and to obtain a Cost Proposal from an Engineering Firm from the Town of Gila Bend On-Call list ranked under the Council approved Transportation List to designate a plan for the Cemetery Road Right of Way (ROW) and Easement Acquisition for the Cemetery Road Corridor. **Discussion and Action Director Fitzer noted that this will allow Staff to approach the number two firm on the ranked Transportation List, no monetary expenditures involved and fits under the Cemetery Road allocation. Discussion on this not included in Director Menards pavement management as this addresses a Right-of-Way issue, looked at several ways including easements, right-of-way purchase and this is just to start the process. Discussion on project beginning on the north end with staff as the right-of-way agent. Councilmember Sikes moved to approve. Councilmember Holt seconded. No further discussion. Motion passed unanimously; 7-0**

- J. **As Needed Engineering Services:** The Mayor and Town Council shall discuss and possibly take action to approve a Professional Engineering Services Agreement with Jacobs for As Needed Engineering Services and Dick Wallace as Town Engineer. **Discussion and Action** *Director Fitzer reviewed Dick Wallace's move from Adkins to Jacobs Engineering, noted this will keep Mr. Wallace as Town Engineer, the not to exceed \$5,000.⁰⁰ limit still in place and commented on the good working relationship the Town has with Mr. Wallace.. Vice Mayor Turner moved to approve. Motion seconded by Councilmember Gonzalez. No further discussion. Motion passed unanimously; 7-0.*
- K. **9-11 Memorial Design Project Professional Services Agreement:** The Mayor and Town Council shall discuss and possibly take action to approve a Professional Architectural Services Agreement with Reece Angell Rowe Architects for the design of the Town of Gila Bend 9-11 Memorial Project. **Discussion and Action** *Director Fitzer noted that the late addition included the actual scope, knocked off \$3,000.⁰⁰ (\$15,000.00 to \$12,000.00) from service contract as their 'donation' to memorial, recommends a not-to-exceed of \$15,000.⁰⁰ and the need to look at bringing on a surveyor. Vice Mayor Turner moved to approve with a second from Councilmember Fernandez. Discussion on \$55,000.⁰⁰ set aside and can draw from other line items, design required to begin project, possibility of incorporating other needed surveys with this, and the location is the property on Pima by the MCSO sub-station. Motion passed unanimously; 7-0*
- L. **Cox Communications:** The Town Council shall discuss and possibly take action on remedies related to the recently announced termination of services by Cox Communications, and the available remedies pursuant to Ordinance 00-09, also known as the License Agreement. **Discussion and Action** *Town Manager Buss noted that he has sent a letter to Cox but has not received a response as of today, reviewed license agreement with a 2014 expiration, some revenues involved and that the October 27, 2011 deadline is neither right nor reasonable. Manager Buss discussed his contact with Qwest and they may be interested in providing service and that he was just contacted by Cable America with a meeting with them set for next Tuesday (October 18th)at which time he will get more information. Discussion on letter to Cox sent on October 3rd and that in May the Town was contacted by Cox for a meet and greet, Cox continually rescheduled their meet and greet and now this. Discussion on costliness of removal of infrastructure, Town has remedies, Town does not regulate them but have right-of-way. Town Manager Buss requested that the Council table this until after the meeting and more information is available. Vice Mayor Turner moved to table this item. Motion seconded by Councilmember Fernandez. Motion passed unanimously; 7-0*

VI. MAYOR AND COUNCIL MEMBER'S REPORT ON CURRENT EVENTS

(This is the time Council Member's may present a brief summary on current events. The Council may not propose, discuss, deliberate or take any legal action on the information presented)

Councilmember Fernandez reported that his brother was involved in an accident but is doing ok.

Councilmember Gonzalez reported on the Care 1st Resource Center Grand Opening that she attended. She noted that it was very impressive and the Grand Opening was successful with quite a few people attending.

Councilmember Holt: No report

Councilmember Young reported that he attended the 9/11 Memorial meeting and that he would like to get involved with this project, has been working with Interim Fire Chief Baldrige and apologized for missing the Resource Center Grand Opening.

Vice Mayor Turner apologized for being late to the Council meeting.

Mayor Henry asked for reports from department heads.

Town Clerk Turner reported on the Laserfiche seminar that she and Deputy Clerk Eisenberger attended, Pitch-In for Gila Bend was great, working on the Homecoming Parade and requested that Councilmember's leave their binders for use with the next agenda.

Finance Director Young reported that per Council's request she created a Revenue vs Expenditure Report, there is \$203,000.⁰⁰+ surplus, received the revised information from Eric Santiago with Care 1st; meeting with Greg Schwartz regarding Town investment policy; preparing for the audit; and Accounts Clerk Carpenter performed an audit on the utility billing services with six people at San Lucy receiving a credit.

Parks & Recreation Director Turner reported that the southside park lights are up but waiting on APS; electric at the Community Park will be ready for the Shrimp Fest; co-ed softball begins October 25th; there has been a lot of community interest in Fright Night which will be held on October 28th, doing road work at Gatlin site and they have had some wins over bigger schools.

Planning and Economic Development Director Fitzer reported that he is working with the AZ Commerce Authority on the CanaMex corridor; Planning Commission meeting, Octavia Greenworks will be meeting with landowners; working on 10 outstanding code enforcement violation notices with five or six of them responding and that the required 30-day wait period is almost up with a 15-day timeframe next.

Interim Fire Chief Baldrige thanked Councilmember Young for help at the fire station, reported that the guys helped out at the Pitch-In, will be doing Fire Prevention Week at the school and they are responding to an average of two to three calls per day. He commended all of the fire personnel for a good job.

VII. TOWN MANAGER REPORT

Town Manager Buss put on the continuous loop presentation he put together for the Resource Center Grand opening depicting the before and after photos of the building renovation. He noted that he received many positive comments on the presentation at the opening. He reviewed the purpose of the Resource Center and the number of programs that are possible. Manager Buss commended Chris Rounds (Rounds Construction) for the excellent job they did on the renovation and noted that Mr. Rounds added extras and upgrades paying out of his own pocket for those additional costs because of the importance of the project. Mr. Buss also noted that the IT coordination was provided free of charge, there was close to 100 attendees including state and federal representatives and thanked Councilmember Gonzalez and former Mayor Fred Hull for attending the ceremony.

Mayor Henry asked if anyone has seen Prince Harry and noted that Gila Bend has had more calls, interest in the town and notoriety in the past few months due to solar industry and Prince Harry than it has had in the previous 100 years.

VIII. CALL TO THE PUBLIC (The procedures to follow if you address the Council are: Council requests that you express your ideas in three minutes or less and refrain from any personal attacks or derogatory statements about any individual . The Mayor will limit discussion whenever he deems such an action appropriate to the proper conduct of the meeting. At the conclusion of an open call to the public, individual members of the Council may respond to criticism made by those who have addressed the Council, may ask Staff to review a matter, or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take legal action on any matters during an open call to the public unless the matters are properly noticed for discussion and legal action.) **Resident Terry Basu commented that he attended the Resource Center Grand Opening and commended Town Manager Buss for doing an excellent job, that he sees good things coming from this and again thanked and commended Town Manager Buss on an excellent job.**

Roxanne Brinker, resident, commented that she heard Director Fitzer mention that violation notices have gone out, noted it has been one-year since the first fire, requested that she be provided with feedback on this and that this is the second time she has mentioned this to the Council. Ms. Brinker asked if she needs to request to be placed on the agenda, the need to make sure there are no more fire and again requested feedback. Town Manager Buss commented that Town Attorney McClure will update her on the progress to date.

Resident Fred Hull spoke about the Grand Opening and noted to Vice Mayor Turner that a survey on the property across from the fire station needs to be done so that the owner of the meat market does not believe it is part of his property and the Pitch-In event went well and without injuries.

Kathy Thorton, First Things First Regional Director, remarked that she was really proud of Gila Bend for all the work done and noted there is still a lot to be done.

Director Turner wanted to congratulate his dad, Vice Mayor Turner, on his one-year anniversary.

IX. EXECUTIVE SESSION: EXECUTIVE SESSION: The Town Council may go into executive session for purpose of obtaining legal advice for any of the above agenda items pursuant to A.R.S.38-431.03(A)(3) **No Executive Session called.**

- X. ADJOURNMENT
Councilmember Gonzalez moved to adjourn. Motion seconded by Councilmember Fernandez. Motion passed unanimously; 7-0. Time of adjournment: 7:19pm.

Ron Henry, Mayor

ATTEST:

Beverly Turner, CMC
Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the Work Session held October 11, 2011, and the meeting was duly called and posted and that a quorum was present.

Beverly Turner, CMC
Town Clerk