

# TOWN OF GILA BEND

## Minutes of the May 27, 2014 regular Council Meeting

Pursuant to ARS 38-431.02, notice is hereby given that the TOWN COUNCIL will hold a special Council meeting on May 27, 2014 beginning at **6:00** p.m., in the Gila Bend Town Council Chambers located at 644 W Pima, Gila Bend, Arizona. A copy of the final agenda will be available twenty-four hours prior to the meeting in the Town Clerk's Office, 644 West Pima, Gila Bend, AZ 85337.

### I. CALL TO ORDER

- A. Call to order **Called to order at 6:00pm by Mayor S. Holt**
- B. Pledge of Allegiance **Led by Mayor S. Holt**
- C. Invocation **Given by Town Attorney S. McClure**

### II. ROLL CALL

Mayor Steve Holt	Council Member Ron Henry
Vice-Mayor Chuck Turner	Council Member Tommy Lee Sikes
Council Member Fernando Fernandez-	Council Member James Turner
<b>absent</b>	

Council Member Armida Gonzalez

**Town Clerk B. Turner did the Roll Call. Six Council Members present with Council Member F. Fernandez absent.**

**Staff present: Town Manager F. Buss, Town Attorney S. McClure, Town Clerk B. Turner, Deputy Town Clerk C. Eisenberger, Parks and Recreation Director (PRD) C. Turner, Public Works Director (PWD) B. Menard, Social Services Director D. Dempsey, Planning and Economic Development Director (PEDD) E. Rubi**

### III. PRESENTATION by Amy Willis, Manager, Legal and Pipeline Compliance for Entegra Power Group, LLC regarding the gas pipeline to the Gila River Power Station. **Town Manager F. Buss introduced Amy Willis with Entegra Power Group, LLC., who gave a presentation about the gas pipeline to the Gila River Power Station.**

**Mayor S. Holt requested that the Council address Item VIII. MCSO REPORT next.**

### VIII. MCSO REPORT. **Lt. Christina Henderson introduced herself, noting it was her first time reporting in Gila Bend and that she was filling in for Capt. Metzler who is out of the country. Lt. Henderson reviewed the new MCSO reporting format and provided summarized information on where the number of criminal activity was up or down from last month and last year. She spoke about new civil traffic citation requirements, paper warnings will be issued instead of verbal warnings and printers are now placed in MCSO vehicles for issuing paper warnings and citations. Resident J. B. Getzwiller introduced himself as the Magistrate of the local Justice Court and asked why officers are not receiving subpoena's or showing up in court for civil traffic cases, resulting in dismissals of many civil traffic cases. Discussion on when subpoenas are sent, time allowed for officers to be on and off the clock and will meet to discuss options with him and/or his staff later. No further discussion.**

**Mayor S. Holt noted that Council would return to Item IV. CONSENT AGENDA next.**

### IV. 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. **A request was made by Council Member R. Henry to pull Item B. Payment of Claims from the Consent Agenda. Council Member J. Turner motioned to approve the Consent Agenda except for Item B. Second by Council Member T. Sikes. Motion to approve the Consent Agenda except for Item B. passed unanimously: 6-0**

- A. **Approval of Council Meeting Minutes:** The Mayor and Town Council may discuss and possibly take action on the approval of the May 13, 2014 regular meeting minutes and the May 13, 2014 Work Session minutes.

**Discussion and Action Approved: 6-0**

- B. **Payment of Claims:** The Mayor and Town Council may discuss and possibly take action to ratify claims in the amount of \$121,112.41 for the period of May 1, 2014 through May 15, 2014. ***Discussion and Action Council Member R. Henry motioned to approve Item B. Payment of Claims except for three (3) expenditures related to Town Manager F. Buss. Second by Vice Mayor C. Turner. There was a question on whether the Claims were already paid and if so, why do we (Council) do this if paid already? Town Attorney S. McClure explained that this is done to ratify the claims and that Council approved the expenditures when they adopted the budget and now are ratifying the claims. Discussion on having the Council approve the claims prior to paying them and on Council requirement that all expenditures of Management, Staff and Council are to be provided to Council prior to payment. No further discussion. Motion to approve Payment of Claims except for the three (3) items related to Town Manager expenditures passed unanimously: 6-0***
- C. **Agreement by and between the Town of Gila Bend and HFIN:** The Mayor and Town Council shall discuss and possibly take action to approve an agreement with Helping Families in Need (HFIN) for the provision of health insurance outreach and application assistance. ***Discussion and Action Approved: 6-0***
- D. **Agreement by and between the Town of Gila Bend and ALI:** The Mayor and Town Council may discuss and possibly take action to approve an agreement with Arizona Learning Institute (ALI) for the provision of the Readiness Basket Programs. ***Discussion and Action Approved: 6-0***
- E. **Area Agency on Aging (AAA) Contract Amendment:** The Mayor and Town Council may discuss and possibly take action on an amendment to the 2013/2014 AAA Contract to receive additional funds in the amount of \$35,332.00. ***Discussion and Action Approved: 6-0***
- F. **Area Agency for Aging IGA Renewal for FY2014/2015:** The Mayor and Town Council may discuss and possibly take action to approve the renewal of the Area Agency for Aging Agreement, which includes the following programs, Congregate Meals, Home Delivered Meals, and the Multi-Purpose Center operations for Fiscal Year 2014 – 2015. ***Discussion and Action Approved: 6-0***
- G. **Maricopa County Community Action Program Services IGA Renewal for FY2014 – 2015:** The Mayor and Town Council may discuss and possibly take action to approve the renewal of the Maricopa County Community Action Program Services (CAP) program for Fiscal Year 2014/2015. ***Discussion and Action. Approved: 6-0***
- V. BUSINESS – Discussion and possibly action on the following items:
- A. **Gila Bend Main Street Pavement Preservation Change Order #1:** The Mayor and Town Council may discuss and possibly take action to approve Change Order #1 related to the Gila Bend Main Street Pavement Preservation project. ***Discussion and Action PWD B. Menard reviewed Change Order #1. Loren Brown introduced himself as the Contractor for this project and provided information on the alleged out-of-spec material. Council Member J. Turner motioned to approve Change Order #1. Second by Council Member T. Sikes. No further discussion. Motion to approve Change Order #1 passed unanimously: 6-0***
- B. **Main Street Chip Seal Project Change Orders #1 and #2:** The Mayor and Town Council may discuss and possibly take action to approve Change Orders #1 and #2 related to the Main Street Chip Seal Project. ***Discussion and Action PWD B. Menard reviewed Change Orders #1 and #2. Council Member J. Turner motioned to approve Change Orders #1 and #2. Second by Council Member R. Henry. No discussion. Motion to approve Change Orders #1 and #2 passed unanimously: 6-0***
- C. **Gila Bend Well #8 Project Change Orders #1 and #2:** The Mayor and Town Council may discuss and possibly take action to approve Change Orders #1 and #2 to related to the Gila Bend Well #8 CDBG Project #1208. ***Discussion and Action PWD B. Menard reviewed***

**Change Orders #1 and #2.** Council Member J. Turner motioned to approve Change Orders #1 and #2. Second made by Council Member T. Sikes. Questions and discussion on moving well closer to the plant, why transformers not included in bid, test pump and water level, and CDAC timeframe being met with a presentation to be ready for their next meeting. No further discussion. Motion to approve Change Orders #1 and #2 passed unanimously: 6-0

- D. **Quiet Zone Project Change Order #1:** The Mayor and Town Council may discuss and possibly take action to approve Change Order #1 related to the Quiet Zone Project. Discussion and Action PWD B. Menard reviewed Change Order #1. Council Member R. Henry motioned to approve Change Order #1. Second by Council Member A. Gonzalez. Discussion on status of project being 90% complete. No further discussion. Motion to approve Change Order #1 passed unanimously: 6-0
- E. **Gila Bend General Plan Update:** The Mayor and Town Council may discuss and possibly take action on authorizing the Update of the Gila Bend General Plan to proceed at this time. Discussion and Action PEDD E. Rubi reviewed state law requirements for a municipal General Plan and that sustainability elements will be infused by ASU. PEDD E. Rubi noted that project not to exceed \$60,000.<sup>00</sup> total for both ASU and Stella Polaris and that he would like to have a Citizen Committee of approximately six (6) residents, a Regional Committee comprised of businesses located within Gila Bend but business owners/operators do not reside in the community, and include input from the school. Questions and discussion on budget items for this or next fiscal year, available grants and will be less than last time General Plan was done when the amount of involvement last time done was \$77,000.<sup>00</sup>. Vice Mayor C. Turner motioned to approve authorizing the Gila Bend General Plan Update with a Not to Exceed amount of \$60,000.<sup>00</sup>. Second by Council Member R. Henry. No further discussion. Motion to approve authorizing the Gila Bend General Plan Update with a Not to Exceed Amount of \$60,000.<sup>00</sup> passed unanimously: 6-0
- F. **Waste Management Transfer Billing:** The Mayor and Town Council may discuss Waste Management Transfer Billing of Town of Gila Bend customers to begin effective July 1, 2014. Discussion Only. PWD B. Menard summarized issues with the upcoming transfer of billing from Town of Gila Bend to Waste Management. PWD Menard noted that the Town will be billing for the month of June and Waste Management will bill for July and requested guidance from Council for the best way to inform residents of the change and noted that this item does not address rate increase as that is the next item on the agenda but is to discuss transfer of billing only. Resident Terry Basu spoke about the hardship he and many other residents will have with the quarterly billing and rate increase. Resident Bill Hollowell spoke about quarterly billing will not be paid due to the hardship it will create and expressed concern about people dumping their trash in the desert. Resident Clyde Kreeger spoke about seeing someone dumping on empty lot on Hunt Street. Carole Fox spoke about the concerns she has that people will begin dumping in the open space behind their property and that people are currently dumping their trash in their commercial containers at 1:00am. A question was asked on whether it was commercial or residential trash being dumped in her containers to which she responded that she is unsure but has not and is not going to dig through her containers to try to determine what type of trash is being dumped. Ms. Fox commented that the Town should have continued doing refuse collection as the Town is over-staffed. No further discussion. Discussion only item; no vote taken.
- G. **Waste Management Annual Rate Increase:** The Mayor and Town Council may discuss the Waste Management annual rate evaluation and increase based upon the License Agreement. Discussion Only PWD B. Menard reviewed the Town's contract with Waste Management and the terms written in to the contract that Council approved. Waste Management representative, Mr. Willie Black, spoke on small rate increase to residents of 33¢. Question and discussion about rate increase to commercial customers found in signed commercial contract, and automatic locking mechanisms for commercial containers. Question and discussion on residential customers wishing to opt out of service from Waste Management. Mr. Black provided information on contacting Customer Service with any residential trash service issues. Discussion on residential

*dumping of refuse at Well #4 not allowed, using the landfill, and whether residents are required by law to have trash picked up. Question and discussion on undelivered trash containers. Resident Christina Hubbard spoke about some renters barely able to make rent payments and that a quarterly billing will be a hardship for them. Discussion on pre-billing. Question and discussion about the possibility of Waste Management doing a monthly billing and Mr. Black commenting that he will supply the amount of the extra cost for Waste Management to do a monthly billing. Question and discussion on why the Town cannot continue doing the monthly billing for Waste Management. Question and discussion on whether the Town will 'farm out' the water and sewer next. Resident Terry Basu spoke about Gila Bend being a poverty-stricken area and asked whether Waste Management can do a discount for elderly with fixed incomes and low income families since they can afford to put on multi-million dollar sporting events. Bill Hollowell, resident, asked whether the increase was 33¢ or \$ 1.<sup>33</sup>. Question and discussion on difference between Town of Gila Bend billing and Waste Management billing. Town Manager F. Buss spoke about some of the issues the Town had with collecting the refuse without the added burden of recycling. Discussion on commercial rates and service. Mr. Black noted that he will look into available discount programs.*

- H. **Council Retreat:** Request by Council Member Ron Henry to hold a Council budget retreat for the 2014/2015 fiscal year. **Discussion and Action** *Council Member R. Henry noted he would like to have a Council Retreat and spoke about the importance of having input from the Council and residents. Vice Mayor C. Turner noted that the Work Session meetings have been very productive and added cost of a 'retreat' not needed as these public meetings and meetings with Town Manager Buss have been satisfactory. Town Manager Buss noted that all input and suggestions received from Council during Work Sessions and meetings with him, input from residents and input from phone calls have all been kept, noted and added to an ongoing list. Discussion on continuing with Work Sessions, meetings, and calls. Council Member R. Henry motioned to continue with Work Sessions, meetings and phone calls and not have a Retreat. Second from Vice Mayor C. Turner. No further discussion. Motion to continue with Work Sessions, meetings and phone calls and not have a Retreat passed unanimously: 6-0*
- I. **Budget Committee:** Request by Council Member Ron Henry to create a budget committee for the 2014/2015 fiscal year. **Discussion and Action** *Council Member R. Henry spoke on how it would be beneficial to have two (2) or three (3) people appointed by Council to serve on a Budget Committee. Town Manager F. Buss noted this is a good idea for next fiscal year as the Budget Schedule the Town is required to follow by law would not allow enough time to put a Budget Committee in place for this year but it should be done for next year and spoke about the importance of input from numerous sources and stakeholders. Council Member R. Henry motioned to form a Budget Committee for the next fiscal year 2015 – 2016. Second by Vice Mayor C. Turner. No further discussion. Motion to form a Budget Committee for next fiscal year (2015 – 2016) passed unanimously: 6-0*
- 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)  
**Council Member A. Gonzalez** spoke about how nice the Memorial Day event was and thanked resident Fred Hull for his work on it.  
**Council Member J. Turner** commented that it was a great Memorial Day event and thanked the Public Works Department, Parks and Recreation Department and Fred Hull for all the work done.  
**Vice Mayor C. Turner** also thanked the Public Works Department, Parks and Recreation Department and Fred Hull for doing a great job for Memorial Day.  
**Mayor S. Holt** thanked staff for the work done on the very nice 9/11 Memorial Park sign. Town Manager F. Buss added that the signs were made by inmates, what a great job they did and that all departments provided a lot of input.
- VII. TOWN MANAGER REPORT.  
**Town Manager F. Buss** reported that he is continuing to work on eight (8) potential locates, six (6) of which would be considered large locates, toured a large potential locate on the

13<sup>th</sup> and have been working with several entities to pull together information and proposals in an attempt to land them as this could bring 400-500 jobs to Gila Bend. Website update – have had three (3) calls and two (2) emails with CivicPlus since the last council meeting. It will take at least 2 months to complete and they will have to work with staff to get the content. There is confusion between departments on how much the actual cost would be, but am waiting for them to come back with a proposal. Have been working on compiling the tentative budget based on council and department head input, along with input from funders. We will likely have the tentative budget books to council by Wednesday or Thursday and will deliver to Council. This gives a couple of weeks before the next council work session for council to review, digest, talk with Stacey and myself, etc. We ask that any questions and/or input you have to contact Stacey and myself so we can get your questions answered before the 10th. Continued work on multiple agreements, etc. such as the ones that were on the Council meeting agenda. He was the speaker at the Arizona Energy Consortium meeting on Friday the 16th; possible article on Gila Bend coming in the Green Living Magazine, attended the I-11 Corridor Meeting in Buckeye on Wednesday the 21<sup>st</sup>, where they focused on presenting the business case for I-11; not much presentation on the actual corridors; everyone I spoke to is opposed to the alignment that heads east mid-way down SR85, attended the Southline Transmission Meeting Thursday evening the 22<sup>nd</sup>. There are potential opportunities to export power from Gila Bend to Tucson, New Mexico, Texas, and even Mexico. Town Manager F. Buss and Mayor S. Holt will be attending the MAG West Valley Visioning meeting, specific to Gila Bend, as well as the MAG Regional Council meeting tomorrow.

Town Manager F. Buss reported for the following departments:

Planning and Economic Development: Working on the General Plan Update authority to proceed, Cemetery Road resolution with Maricopa County and Economic Development potential locates

Parks and Recreation Department: T-ball and Youth Baseball registration complete with seven (7) local teams and four (4) other teams participating. Games start first week of June; over 100 teams entered for Ropin' at the Bend, and getting pool and lifeguards ready for opening day on May 26th.

Public Works Department: Four of five Engineering projects are or will be completed early and under budget, completed installation of sign for 9/11 Memorial Park and Fire Station, and Public Works and Parks & Recreation employees set up and cleaned up cemetery with help from inmates for Memorial Day event including working on their holiday.

Finance Department: No report.

Town Clerk's Office: Candidate packets for the upcoming Primary election are due no later than 5:00 pm May 28<sup>th</sup>, voter registration for the Primary election closes July 28<sup>th</sup>, if you know of anyone who would like to register to vote the Clerk's office will be happy to assist, and In order to keep in compliance with deadlines and required publications for the FY 2014/2015 budget and property tax levy adoption, it will be necessary to move the regular Council meeting of June 24<sup>th</sup> to June 25<sup>th</sup>.

Fire Department: No report.

Social Services Department: Finish up with the Cook/Program Asst. Matrix and question, make necessary purchase(s) with Wish List funding, she and Flor Olivas had a Meet and Greet with TOPS and SNAP program representatives for the First Things First Resource Center, and Gray Faupel working with CAP to spend down direct funding through Energy and Rental Assistance Program.

- VIII. MCSO REPORT Mayor S. Holt requested that the Council address this item after Item III. Presentation. Lt. Christina Henderson introduced herself, noting it was her first time reporting in Gila Bend and that she was filling in for Capt. Metzler who is out of the country. Lt. Henderson reviewed the new MCSO reporting format and provided summarized information on where the number of criminal activity was up or down from last month and last year. She spoke about new civil traffic citation requirements, that paper warnings will be issued and printers are now placed in MCSO vehicles for issuing paper warnings and citations. Resident J. B. Getzwiller introduced himself as the Magistrate of the local Justice Court and asked why officers are not receiving subpoena's or showing up in court for civil traffic cases, resulting in dismissals of many civil traffic cases. Discussion on when

**subpoenas are sent and officers on and off the clock time. No further discussion.**

- IX. 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 Carole Fox apologized to Council and to everyone for comments she made earlier. Resident Clyde Kreeger spoke about Animal Control having been in the area over the weekend but that there were no animals picked up and that something needs to be done. Mr. Kreeger spoke about the Solar Express transportation service seemed to be a good idea but said the service is not being used, pick-up locations are not shaded and too far away from buildings and that the Town needs to take another look at providing the service or an alternative. End of public comments.**
- X. FUTURE AGENDA ITEMS  
(This is the time Council Member's may request items be placed on future agenda's)  
**Council Member R. Henry motioned to put an item on the next agenda to expedite the IGA with the school for use of their facility. Second made by Vice Mayor C. Turner. Discussion on the Town's part has been done, length of time the school has had the IGA and the numerous requests to school for return of the signed IGA. No further discussion. Motion to put item to expedite IGA with school for use of their facility on the next agenda passed unanimously: 6-0**
- XI. EXECUTIVE SESSION: Pursuant to A.R.S. 38-431.03(A)(3)The Town Council may go into executive session for purpose of obtaining legal advice relative to a Non Disclosure Agreement and/or for any of the above agenda items. **Council called an Executive Session. Time: 7:45pm Executive Session adjourned and return to regular Council Meeting at 8:00pm Council returned to regular meeting.**
- XII. ADJOURNMENT  
**Council Member R. Henry motioned to adjourn. Seconded by Council Member T. Sikes. No discussion. Motion to adjourn passed unanimously: 6-0. Time of adjournment: 8:01pm**

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Steven Holt, Mayor

ATTEST:

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Beverly Turner, MMC  
Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of regular Council Meeting held May 27, 2014 and the meeting was duly called and posted and that a quorum was present.

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Beverly Turner, MMC  
Town Clerk