

# TOWN OF GILA BEND

## Minutes of the November 10, 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 November 10, 2014 beginning at 6:00 p.m., in the Gila Bend School District Media Center located at 308 N Martin Avenue, 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 – **Mayor Steven Holt called the meeting to order at 6:00 pm**
- B. Pledge of Allegiance – **led by Mayor Steven Holt**
- C. Invocation – **given by resident Fred Hull**

### II. ROLL CALL – **all Council Members present**

|                                   |                                |
|-----------------------------------|--------------------------------|
| Mayor Steve Holt                  | Council Member Ron Henry       |
| Vice-Mayor Chuck Turner           | Council Member Tommy Lee Sikes |
| Council Member Fernando Fernandez | Council Member James Turner    |
| Council Member Armida Gonzalez    |                                |

**Staff Present: Town Manager E Rubi, Town Attorney Steven McClure; Town Clerk B Turner, PWD T Weter**

- ### III. PUBLIC HEARING:
- The Mayor and Town Council shall take Public Comment on an application submitted to the Arizona Department of Liquor License and Control for a Series 10 Liquor License for Dollar General Store #11185 located at 951 E Pima . **Public Comment Only Mayor Holt opened the public hearing at 6:01 pm. Fred Hull, resident, commented that the Dollar General is a family store and is not a store where travelers stop. There are children all over there and run wild through the store. It is not like Circle K. Mothers go in to get hair things for their daughters or maybe some underwear. He commented that where they plan to put the liquor there is no line of sight for the clerk. Aisles are cluttered and narrow. If a beer run comes in they could knock over someone when running out. He asked whether anyone wanted it to be a three (3) year old or maybe Margie Lonas. They could knock her over and break her hip. He commented that the clerks are unprotected. If there is clutter, the clerk will have to jump the counter and they would have their backs to the runner. He noted that if you go to Circle K, Holt's, or Texaco, you will see that the clerks are protected by high counters they can duck behind and their backs are to the wall so that they can see what is going on in the store because they have a line of sight. Mr. Hull commented on the merchandise in the store being geared for family, not geared towards the guy driving to Rocky Point or Yuma who wants to stop and pick up a six-pack and some chips. If a guy wants to do a beer run, he's going to pick Dollar General in the middle of the afternoon because it is filled with women; mothers and children, and he (runner) wouldn't be worried about some meek guy in a business suit all of a sudden pulling out a 44 magnum and saying 'make my day'. Mr. Hull spoke about senior citizens shopping there and asked that the Council turn down the license because of families shopping in there, for the safety of the clerks and because the store is not geared for the sale of alcohol such as a store like Circle K is. Mr. Hull again requested that the license be denied because it was being said that this just being done as a courtesy and they (Dollar General) don't care what we do and suggested that we should find that out. He commented that we have enough alcohol outlets. Mr. Hull then called attention to a boy and noted that he could get knocked down and stomped on by a 200 pound beer runner in that store. Again requesting Council to deny the liquor license because we have enough places to buy beer.**

**Clare Abel, attorney for Dollar General, noted that she had a copy of the floor plan showing where beer/wine is to be placed and pointed out that there is a direct line of sight by cashier and so there is not a line of sight issue. She commented that Dollar General has an excellent reputation in regards to their liquor licenses, have stores in 28 states with 76 liquor licenses and no violations. Ms. Abel noted that staff is trained, will not make a sale until ID is presented and they know how to look at an ID, scrutinize it for alterations and will not close a sale unless there is proper identification. She commented that she was appreciative of what the gentleman says about the potential for crime but believes that it exists just about anywhere. She noted that that they are trying to provide a convenience so people can do one-stop shopping.**

*Jessica Dogantemur, resident, asked if there is a limited number of liquor licenses for the Town of Gila Bend or if it is unlimited with a response provided that beer and wine licenses are unlimited. Ms. Dogantemur then noted that she would like to comment on buying local and keeping money locally. She commented that if a license is given to a company that is primarily profiting out-of-town then it takes the money away from local store owners. We have some very successful ones that do very well and we have some that could really benefit by the business it would provide. She noted that she felt that there are local stores that would be impacted by the Dollar General getting a beer/wine license and that there should be some thought about the sheer number of licenses that are already out there in our community. She noted that those that live in the community and get a beer/wine license will be spending a good share of it in our community, whereas if it is given to a corporation that is, in essence, not in Gila Bend, just have a store location here, that the money will be spent outside of our town. She stated that it made no sense to not to give those opportunities to locals who will spend their money within the community to benefit our town, our business owners and our community.*

*Terry Basu, resident, commented that he agreed with all of the points that everyone is making and wanted to mention something that may be beneficial to release part of the clutter that was talked about. He noted that the beer companies who deliver it have their drivers stock it. He noted that the store people that are working are not responsible for alcohol stocking because the drivers do it. He suggested that maybe the (store) clerks would have some time to clean up some of the clutter that is on the floor because now they will not have as much for their regular stock since they will be making room for the beer/wine. He noted that this might help a little bit with some of the congestion in the aisles.*

*Council Member R. Henry commented that before retiring he was in the same business, food market, and understands the issues with the beer and wine license and trying to stay competitive with other markets. He noted that a lot of other states have stores that only sell beer and wine and there are no grocery/convenience stores that sell beer and wine, which makes it much easier. He noted that this is not the case in Arizona and stores have open competition. Council Member R. Henry commented that he feels that if we try to keep one business from competing with other businesses that it is not fair and that he was making a motion to approve this beer/wine license. Mayor S. Holt noted that they were still in the Public Hearing which would have to be closed before a motion could be made. Mayor S. Holt asked for further comments. No further comments made. Mayor S. Holt closed the Public Hearing at 6:13 pm and moved on to the Consent Agenda.*

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. **Approval of Council Meeting Minutes:** The Mayor and Town Council may discuss and possibly take action on the approval of the October 28, 2014 regular meeting minutes.  
**Discussion and Action**

B. **Payment of Claims:** The Mayor and Town Council may discuss and possibly take action to ratify claims in the amount of \$540,815.74 for the period of October 16, 2014 through October 31, 2014. **Discussion and Action**  
***Council Member J Turner made a motion to approve the consent agenda as presented; Seconded by Vice-Mayor C Turner. Motion to approve consent agenda as presented passed unanimously. (7-0)***

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

A. **Liquor License:** The Mayor and Town Council may discuss and possibly take action on a recommendation to the Arizona Department of Liquor Licenses and Control for a Series 10 Liquor License for Dollar General Store #11185 located at 951 E Pima Street. **Discussion and Action** ***Council Member R Henry moved to recommend approval to the Arizona Department of Liquor License and Control for a Series 10 Liquor License for Dollar General Store #11185 located at 951 E Pima Street. Seconded by Council Member J***

**Turner. Motion carried 5-2 with Vice-Mayor C Turner and Council Member A Gonzalez voting nay.**

- B. Town Manager Appointment and Contract:** The Mayor and Town Council may discuss and possibly take action to appoint Mr. Ernest Rubi as Town Manager and approve his contract. (At this time the Town Council may enter into executive session pursuant to A.R.S. 38-431.03(A)(1) Personnel Matters Town Manager contract) **Discussion and Action At 6:16pm Vice-Mayor C Turner motioned to enter into executive session pursuant to A.R.S. 38-431.03(A)(1) Town Manager contract. Seconded by Council Member J Turner. Motion carried unanimously.**

**The regular meeting reconvened at 6:35 pm on a motion by Vice-Mayor Turner and a second by Council Member R Henry. Motion carried unanimously.**

**Vice-Mayor C Turner moved to appoint Ernest Rubi as Town Manager and approve the contract as written. Seconded by Council Member T Sikes. Motion carried unanimously**

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

- A. Installment of Newly Elected Council:** The newly elected council members will assume office. The Town Magistrate will administer the oaths of office to the newly elected council members. **Town Magistrate JB Getwiller administered the Oath of Office to the incoming Council Members Chuck Turner, Tommy Sikes, Jesus Rubalcava and Clyde Kreeger. Vice-Mayor Turner expressed his appreciation to outgoing Members A Gonzalez and S Holt. Town Manager E Rubi presented certificates of appreciation to A Gonzalez and S Holt.**
- B. Mayoral Selection:** Pursuant to Section 31.025 of the Gila Bend Municipal Code, the Town Council will select a Mayor from among the members of the Council. **Discussion and Action Council Member R Henry made a motion to appoint Vice-Mayor C Turner as Mayor. Seconded by Council Member C Kreeger. Motion carried unanimously.**
- C. Vice-Mayor:** Pursuant to Section 31.025 of the Gila Bend Municipal Code, the Town Council will select a Vice-Mayor from among the members of the Council. **Discussion and Action Council Member T Sikes made a motion to appoint Council Member R Henry as Vice-Mayor. Seconded by Council Member J Turner. Motion carried unanimously.**

VII. 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 J Turner expressed his appreciation to outgoing Council Members A Gonzalez and S Holt for their service to the community. Council Member T Sikes congratulated Town Manager E Rubi on his appointment. Mayor C Turner expressed his gratitude to A Gonzalez and S Holt for their service and Congratulated Senator Lynne Pancrazi and Joe Getzwiler on their re-election.**

VIII. TOWN MANAGER REPORT

(This is the time the Town Manager may present a brief summary on current events. The Council may not propose, discuss, deliberate or take any legal action on the information presented)  
**Town Manager E Rubi encouraged everyone to hug a Veteran, he then reported on the following: teleconference regarding the GBTI at which it was advised that Abengoa Solar would like to join the Initiative; Town Hall hours are 8:00 am to 4:00 pm Monday thru Friday; asked Council to consider moving the Council meeting time to 5:00 pm**

IX. STAFF REPORTS

(This is the time Staff 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)  
**PWD T Weter reported on the following: Brine Pond project is complete; Well #8 project complete, will be put into service once certification is received from ADEQ; there was a nice article in newspaper about the Space Age Restaurant. TC B Turner advised that the newly elected officials training sponsored by the League of Arizona Cities and Towns has been scheduled for December 11 & 12 and asked those that who want to attend should let her know by Wednesday.**

X. 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 Fred Hull reported that he worked the General Election and all went well, he then spoke about a Veteran's Day Memorial celebration, indicating that he did not have the time to put one together this year and about other days of Remembrance, he spoke about the need to celebrate days of remembrance and suggested that the Town look at re-arranging staff to allow for their assistance with these events specifically putting parks back under Public Works; he suggested that Council get involved.**

XI. FUTURE AGENDA ITEMS

(This is the time Council Member's may request items be placed on future agenda's)

**Council Member Kreeger asked that a report relating to the fire and sewer spill incident at Abengoa Solar be requested and presented to Council. It was advised that Abengoa is out of the Town's jurisdiction; he then asked about the ASU Water Aquifer Study and it was advised that the project is 60% complete.**

XII. EXECUTIVE SESSION: Pursuant to A.R.S. 38-431.03(A)(1) Personnel Matters The Town Council may go into executive session relative to the Town Manager position and A.R.S. 38-431.03(A)(3) for purpose of obtaining legal advice relative for any of the above agenda items. **No Executive Session called at this time.**

XIII. ADJOURNMENT

**Vice-Mayor R Henry moved to adjourn at 6:53 pm; Seconded by Council Member F Fernandez. Motion to adjourn carried unanimously.**

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Chuck Turner, 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 November 10, 2014 and the meeting was duly called and posted and that a quorum was present.

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Beverly Turner, MMC  
Town Clerk