

# TOWN OF GILA BEND

Minutes of the February 10, 2015 regularly scheduled Town Council meeting

Pursuant to ARS 38-431.02, notice is hereby given that the TOWN COUNCIL will hold a special Council meeting on February 10, 2015 beginning at 5:00 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 ***Called to order by Vice Mayor R. Henry at 5:00pm***
- B. Pledge of Allegiance ***Led by Vice Mayor R. Henry***
- C. Invocation ***Provided by Town Attorney S. McClure***

## II. ROLL CALL

Mayor Chuck Turner <b><i>-absent</i></b>	Council Member Jesus Rubalcava – <b><i>arrive</i></b>
Vice-Mayor Ron Henry	<b><i>5:01pm</i></b>
Council Member Fernando Fernandez	Council Member Tommy Lee Sikes
Council Member Clyde Kreeger	Council Member James Turner

***Staff present: Town Manager (TM) E. Rubi, Town Attorney (TA) S. McClure, Town Clerk (TC) B. Turner, Public Works Director (PWD) T. Weter, Parks and Recreation Director (PRD) C. Turner, Finance Director (FD) S. Young, Deputy Town Clerk C. Eisenberger***

## 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 ***Council Member J. Turner motioned to approve the Consent Agenda. Motion seconded by Council Member C. Kreeger. No discussion. Motion to approve the Consent Agenda carried 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 January 27, 2015 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 \$187,275.59 for the period of January 16, 2015 through January 31, 2015. ***Discussion and Action***

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

- A. **Ordinance 15-01 – Medical Marijuana Dispensaries and Cultivation Facilities:** The Mayor and Town Council may discuss and possibly take action to adopt Ordinance 15-01 and the Mayor shall read Ordinance 15-01 by Title Only. An Ordinance of the Town Council of the Town of Gila Bend, Arizona, amending the Town Zoning Ordinance by adding provisions pertaining to Medical Marijuana; providing for Medical Marijuana Dispensaries and Cultivation in Light Industry, Medium Industry and Heavy Industry Zoning Districts; requiring a Conditional Use Permit; providing for operating restrictions; amending Section 16-4-03 Use Matrix; amending section 16-11-01 Definitions; and providing for penalties. ***Discussion and Action Resident Terry Basu spoke pot being here to stay, a dispensary would be revenue to the town and that without a dispensary residents are allowed to grow marijuana at home. A question and discussion on the number of plants a resident could legally grow and who will be enforcing this. TM E. Rubi spoke about the Medical Marijuana statute was passed in November 2010 and this ordinance is a model ordinance provided by the League of Arizona Cities and Towns. TM Rubi spoke about industrial zone locations, conditional use permit required, public input at Planning & Zoning and Council Meetings and explained that this is a state statute which is heavily regulate by the state with the towns involvement is only at the permitting level. A question and discussion on this determining where a dispensary could be located. A question and discussion on what if the council does not approve the ordinance then residents are able to grow their own since there is no dispensary within 25 miles per state statute. TM E. Rubi noted that their have been several calls already pertaining to the town's medical marijuana ordinance. TA S. McClure noted that he would ask that wording be cleaned up after 'be it ordained' to clarify. Council Member J. Turner moved to approve Ordinance 15-01 with TA S. McClure's recommended amended language. Council Member F. Fernandez seconded. Motion to approve Ordinance 15-01 with amended language carried unanimously: 6-0.***

- B. **Omega Moto Sports Facilities Use Agreement:** The Mayor and Town Council may discuss and possibly take action to approve a facilities use agreement with Omega Moto Sports for the use of the Gila Bend Municipal Airport on March 7, 2015. **Discussion and Action.** *Corey Drury reviewed the agreement and requested that an extra day, Sunday, be included and to strike #8 regarding free town employee entry. A question and discussion on the no alcohol policy includes no bringing alcohol onto the premises by attendees. Council Member J. Rubalcava moved to approve the Omega Moto Sports Facilities Use Agreement. Council Member F. Fernandez seconded the motion. No further discussion. Motion to approve the agreement carried unanimously: 6-0*
- C. **Consultant Services Agreement – Social Services:** The Mayor and Town Council may discuss and possibly take action to approve a Consultant Services Agreement for Social Services between the Town of Gila Bend and Diane Dempsey. **Discussion and Action** *Finance Director S. Young reviewed, noting that the position is not filled and Diane Dempsey is doing a lot right now even though officially retired. Consultant agreement would be for 20 hours per week and she noted that there will be a few other times when Ms. Dempsey's assistance will be needed in the future, especially during the audit and budget process. A question and discussion on how the Social Service works with renewal and non-renewal contract years. TM E. Rubi noted that the position is expected to be filled within 60 days and noted that the contract can be amended to include "as needed basis and not to exceed 20 hours per week. Diane Dempsey commented that she was agreeable to that amendment and that she will be doing some traveling during the summer and won't be available then. Council Member C. Kreeger motioned to approve the Consultant Services Agreement for Social Services with an amendment to the contract to include "on an as-needed basis and not to exceed 20 hours per week". Motion seconded by Council Member F. Fernandez. No further discussion. Motion carried unanimously: 6 – 0.*
- D. **Contractor Services Agreement – Gila Bend Municipal Airport:** The Mayor and Town Council may discuss and possibly take action to approve a Contractor Services Agreement with Corey Drury for the express purpose of providing Airport Management Services. *TM E. Rubi reviewed noting this is for management services at the airport especially with the new interest in having certain events there eight (8) days per year. Mr. Rubi noted that Mr. Drury is suited to do this as he has the experience with FAA requirements and other qualifications to include grant writing and putting on large events for Luke AFB. A question and discussion on whether Mr. Bill Menard was originally to do and cost of his contract compared to Mr. Drury's contract. A question and discussion on whether these events should be handled by the Parks and Recreation Department, knowledge of FAA requirements a necessity for airport events and renting the airport for events is set at \$2,000.<sup>00</sup> per day, plus cost paid for the Fire Department to be on site and bleacher rental. TM E. Rubi noted that this agreement is not just for events but includes airport management and grant writing but not airport maintenance. A question and discussion on compensation and a requirement for number of hours to be worked. A question on Mr. Drury's credentials with Mr. Drury answering that he has a Bachelor of Arts degree in Airport Management, that he has managed airports in both war and peace times while serving in the military and that he assisted with putting on two (2) air shows at Luke AFB. TM E. Rubi noted that this item should be placed on the next agenda as this item is not noticed for Discussion and Action. Vice Mayor R. Henry motioned to table this item to the next agenda. Motion seconded by Council Member J. Rubalcava. No further discussion. Motion to table to next agenda carried unanimously: 6 – 0.*
- E. **Bull Stock Contractor for Butterfield Stage Days Rodeo:** The Mayor and Town Council may discuss and possibly take action to award the Stock Contract for the Butterfield Stage Days Timed Event Rodeo on February 14 & 15, 2015 to Slash M Rodeo Company in an amount not exceed \$2,000. **Discussion and Action** *PRD C. Turner reviewed the Town's past experience with Slash M, reviewed the stock contract and requested the contract be awarded to Slash M Rodeo Company. A question and discussion on whether this cost was included or separate last year, is this included or separate from Grand Canyon Pro Rodeo Association cost and whether they can be combined as one next year. A question and discussion on insurance costs to Town with Town Clerk B. Turner noting that they pay insurance cost and cover the Town as additionally insured. Council Member J. Turner motioned to award Slash M Rodeo Company the Stock Contract.*

**Motion seconded by Council Member F. Fernandez. No further discussion. Motion to award the Stock Contract to Slash M Rodeo Company carried unanimously: 6 – 0.**

- F. **Loan Agreement:** The Mayor and Town Council may discuss and possibly take action to approve the renewal of a loan agreement by and between the National Museum of the United States Air Force and the Town of Gila Bend regarding the loan of the F-101 Voodoo's located at the Gila Bend Municipal Airport. **Discussion and Action TC B. Turner reviewed noting that this is the annual renewal for the F-101's on display at the Gila Bend Municipal Airport. A question and discussion on the Town's cost, with TC B. Turner responding that the Town is responsible for painting and maintaining in good condition. and pictures are taken and provided as documentation each year. A question and discussion on cost to return and insurance costs. A question and discussion on planes conditions with TC B. Turner responding that pictures are provided to them each year that documents the condition of each plane. A question and discussion on the last time planes were painted was approximately 10 years ago, time to repaint, cost to paint and who will do the painting. Council Member F. Fernandez motioned to approve the Loan Agreement. Motion seconded by Council Member J. Rubalcava. No further discussion. Motion to approve the Loan Agreement carried unanimously: 6 – 0.**
- G. **Contract Change Orders 1 and 2 Brine Pond Project:** The Mayor and Town Council may discuss and possibly take action to approve Change Orders 1 and 2 from Redpoint, the contractor of the new brine pond at the RO Plant in the amount of \$5,584.00. **Discussion and Action. PWD T. Weeter reviewed Change Orders 1 and 2. Finance Director S. Young noted that the second change order is for the Davis – Bacon wage issue that was previously discussed at a prior Council Meeting and that the Town had received the WIFA funds. Council Member J. Turner motioned to approve Contract Change Orders 1 and 2. Motion to approve seconded by Council Member F. Fernandez. No further discussion. Motion to approve carried unanimously: 6 – 0.**
- H. **Master Fire Service Agreement with Arizona Solar One, LLC:** The Mayor and Town Council may discuss and possibly take action to approve the agreement for Fire Suppression Services between Arizona Solar One LLC and the Town of Gila Bend. **Discussion and Action Finance Director S. Young reviewed and spoke about the fees. Question and discussion on the number of calls received so far being two calls. Town Attorney S. McClure noted that there should be an actual date of commencement included in the agreement and he will amend contract to reflect a commencement date. Question and discussion on the fee schedule and whether there is a separate charge for mileage. Finance Director S. Young noted that there is no mileage charge but the fee is \$2,000.<sup>00</sup> per hour with a two (2) hour minimum. Question and discussion on whether there has ever been an issue with payment with the response being, 'no', but they do need 60 days to pay. Council Member J. Turner moved to approve the Master Fire Service Agreement with Arizona Solar One, LLC. with the amended date of commencement added to contract. Motion seconded by Council Member J. Rubalcava. No further discussion. Motion to approve with amendment carried unanimously: 6 – 0.**
- V. 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 C. Kreeger reported that we need to look at Well #4 repairs.  
Vice Mayor R. Henry reported that the Butterfield Stage Days Parade and Rodeo were this coming weekend..  
No other reports provided.**
- VI. 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 reported that he and PWD T. Weeter met with representatives from the Town of Buckeye at Mayors/Managers meeting and he brought up Grijalva's bill for the proposed new Great Bend of the Gila National Monument. He noted his biggest concerns are non-renewable energy corridors are prohibited, monument access or lack of it and the proposed visitor center. Mr. Rubi noted that Gila Bend is not mentioned anywhere in the bill as the location for a visitor center and that it could be located anywhere in the vicinity and**

**neither the Manager or Mayor of Buckeye have never heard of this bill but that they have a meeting set up with Rebecca Knuffke of the National Trust for Historic Preservation and TM Rubi suggested that no support should be given to this bill at this time.**

VII. 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)

**Town Clerk B. Turner reported on the new website progress and it is being populated and worked on diligently.**

**Finance Director S. Young thanked Account Clerk S. Villegas for taking over the First Things First reimbursements. There is new legislation in the works that could be harmful, attended an online presentation regarding online bill payment that works with Caselle and that she will be putting something on the next agenda for Council.**

**PRD C. Turner reported that the rodeo has over 400 entries signed up and that the Chamber of Commerce is hosting the parade.**

**PWD T. Weeter reported that they are in the process of replacing faded stop signs, the perimeter of the airport has been bladed and the old crab signs will be repainted soon. They are also spending two to three hours per day on repairing potholes on SR238. Coming up will be doing some work on Harrington Avenue and Zuni Estates area.**

**Vice Mayor R. Henry asked if the Chamber had anything to report. Chamber Coordinator Christina Hubbard reported that the parade is coming along, Diane Dempsey will be the Grand Marshall and that they are working with MCSO and the Elks Lodge on a military vehicle presentation that will be coming through Gila Bend on October 14th.**

**Vice Mayor R. Henry asked Corey Drury if he had anything to report and Mr. Drury reported that everything is going smooth. He has spent about 40 hours working with event promoters.**

- 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 Heather Goebel commented that a speed limit sign and a school bus sign are needed on Harrington. Diane Henry, resident, wished Mayor C. Turner a speedy recovery. Diane Dempsey, resident, spoke about a AAA meeting she attended on behalf of the Town and encouraged Council to support more preventive measures for the elderly. Fred Hull, resident, spoke about not wanting 'bad businesses' on our main street. He noted that bad businesses would include a marijuana dispensary, sex shops and check cashing places. No further public comment.**

IX. FUTURE AGENDA ITEMS

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

**Vice Mayor moved to have Resolution 14-09 brought back for discussion. Motion seconded by Council Member J. Turner. No discussion. Motion carried unanimously: 6 – 0.**

- X. EXECUTIVE SESSION: Pursuant to 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.**

- XI. ADJOURNMENT **Council Member F. Fernandez made a motion to adjourn. Motion seconded by Council Member J. Rubalcava. No discussion. Motion to adjourn carried unanimously: 6 – 0. Time of adjournment: 6:16pm.**

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 the regular Council Meeting held February 10, 2015 and the meeting was duly called and posted and that a quorum was present.

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Beverly Turner, MMC  
Town Clerk