

# TOWN OF GILA BEND

Minutes of the September 27, 2016 Regular Council Meeting

## I. CALL TO ORDER

- A. Call to order **Mayor C. Turner called the meeting to order at 5:00 pm**
- B. Pledge of Allegiance **led by Mayor C Turner**
- C. Invocation **was given by Fred Hull**

## II. ROLL CALL

Mayor Chuck Turner	Council Member Jesus Rubalcava
Vice-Mayor Ron Henry - <b>absent</b>	Council Member Tommy Lee Sikes
Council Member Fernando Fernandez	Council Member James Turner
Council Member Clyde Kreeger	

**Staff present: Town Manager M Celaya; Town Attorney S McClure; Town Clerk B Turner; Finance Director S Young; Community Services Director K Valenzuela; PWM D Morris; Parks & Recreation Director C Drury; Fire Chief F 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)

- A. **Approval of Council Meeting Minutes:** The Mayor and Town Council may discuss and possibly take action on the approval of the August 23, 2016 regular meeting minutes. **Discussion and Action.**
- B. **Payment of Claims:** The Mayor and Town Council may discuss and possibly take action to approve claims in the amount of \$260,585.76 for the period of August 16, 2016 through September 15, 2016. **Discussion and Action.**

**Council Member J Rubalcava moved to approve the Consent Agenda as presented; Seconded by Council Member J Turner. Motion to approve Consent Agenda as presented passed unanimously. (6-0)**

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

- A. **Wastewater Notice of Violation and Consent Order:** David Morris, Public Works Manager and Robert Hanus, Remote Operator will give an update on the Wastewater Notice of Violation and Consent Order. **Discussion Only**

**Town Manager M. Celaya opened the discussion about the Notice of Violation (N.O.V.) and the plan in place to correct the violation. He then turned it over to Public Works Manager D Morris and Robert Hanus, Remote Operator. They reviewed the action plan in place for the N.O.V. stating that the quality assurance plan has been cleaned up and that they are working on the late notices. Although, now, there is not enough time to raise the quality, they are able to control the discharge limits. Additionally, within the last few months they have not been able to control the total suspended solids and have bypassed the polishing ponds. Assurance was provided that they have been granted enough time to cure the N.O.V.'s; one area needed is to replace the vegetation that was removed previously. In addition, focus is needed on aerators and chemicals. Importance was stressed on working for a long-term solution. Outside dumping such as via porta-potties was also discussed. They will be ahead by one month when they submit by the end of October. Mayor C Turner posed a question regarding the relationship with the regulators: Mr. Hanus replied that they have a very good relationship and cites his many years of experience. He added that it takes, normally, about 30 days to get rid of N.O.V.'s.**

- B. **Resolution 16-09 Canvass of Votes:** The Mayor and Town Council may discuss and possibly take action to adopt Resolution 16-09; A Resolution of the Town Council of the Town of Gila Bend, Arizona, approving the canvass of votes of that certain Primary election of August 30, 2016. **Discussion and Action**

***Council Member J Rubalcava moved to adopt Resolution 16-09, Canvass of Votes of that certain Primary election of August 30, 2016; Seconded by Council Member C Kreeger. Motion to adopt Resolution 16-09 passed unanimously. (6-0)***

- C. **Resolution 16-10 I-11 Corridor Tier 1 Environmental Impact Statement:** The Mayor and Town Council may discuss and possibly take action to adopt Resolution 16-10. A Resolution of the Town Council of the Town of Gila Bend, Arizona declaring support for the Arizona Department of Transportation's Interstate 11 Corridor Tier 1 Environmental Impact Statement. **Discussion and Action**

***Town Manager M Celaya spoke about the I-11 corridor emphasizing that the outcome could impact Gila Bend in the future. Jay VanEcho of ADOT, then presented a power-point presentation about the history of the I-11 corridor. Afterwards, Mr. VanEcho asked that the Town of Gila Bend, Council, and community be patient. Mayor C Turner asked Mr. VanEcho's opinion on which possible corridors make the most sense, adding that using I-8 would be the most logical. Mr. VanEcho replied that he is not permitted to disclose his opinion at this time. Council Member F Fernandez asked if it would behoove the Department of Transportation to ask trucking companies their opinion on the corridor; in reply, it was noted that they do supply input, but due to the commercial nature of these for-profit companies, input is limited.***

***Mayor C Turner moved to adopt Resolution 16-10, declaring support for the Arizona Department of Transportation's Interstate 11 Corridor Tier 1 Environmental Impact Statement; Seconded by Council Member J Turner. Motion to adopt Resolution 16-10 passed unanimously. (6-0)***

- D. **Omega Motor Sports Facilities Use Agreement:** The Mayor and Town Council may discuss and possibly take action to approve a facilities use agreement with Omega Motor Sports for the use of the Gila Bend Municipal Airport on October 8<sup>th</sup> and 9<sup>th</sup>, 2016. **Discussion and Action**

***Parks and Recreation Director C Drury reviewed the agreement noting it was already sold-out for Saturday and 75% sold-out on Sunday; Questions about crowd control arose and it was noted that it is being handled by utilizing fencing.***

***Council Member J Turner moved to approve a facilities use agreement with Omega Motor Sports for the use of the Gila Bend Municipal Airport on October 8<sup>th</sup> and 9<sup>th</sup>, 2016; Seconded by Council Member F Fernandez. Motion to approve facilities use agreement passed unanimously (6-0)***

- E. **Shooting Range Lease Agreement:** The Mayor and Town Council may discuss and possibly take action to approve a lease agreement by and between the Town of Gila Bend and PISG Company for the lease of 100 acres of Town owned property located on Assessor's Parcel Number 402-41-001, more specifically the Shooting Range. **Discussion and Action**

***Parks and Recreation Director C Drury introduced Mike Simpson of PISG Company. Mr. Simpson explained that their company provides firearms training for their clientele with the ability to accommodate privately and publicly. Scenario based training will also be available. Mr. Simpson noted there would not be limitations to public access since they have other facilities on reserve and do not plan to occupy the entire range during training. No damage would be done to containers.***

***Council Member Elect C Riggs spoke about the current condition of the firing range and expressed his opposition to the agreement. He expressed concern regarding residents being locked out of the Shooting Range and in effect, shooting in the desert. Mr. Simpson advised they would never lock out the community and that they are only looking to utilize one range. Mr. Simpson also noted that vegetation would not be affected. Pyrotechnics are planned and a question about power installation was posed and it was noted it is in either phase one (1) or two (2).***

***Council Member J Turner moved to approve a lease agreement by and between the Town of Gila Bend and PISG Company for the lease of 100 acres of Town owned property located on Assessor's Parcel Number 402-41-001, the "Shooting Range"; Seconded by Council Member T Sikes. Motion to approve lease agreement passed unanimously (6-0)***

- F. **Section 125 Cafeteria Plan Adoption Agreement:** The Mayor and Town Council may discuss and possibly take action to approve a Section 125 Cafeteria Plan Adoption Agreement as allowed by and through IRS Code Section 125 and designate Sterling as Administrator of the Plan. **Discussion and Action**

***Council Member J Rubalcava moved to approve a Section 125 Cafeteria Plan Adoption Agreement as allowed by and through IRS Code Section 125 and designate Sterling as Administrator of the Plan; Seconded by Council Member F Fernandez. Motion to approve Cafeteria Plan Adoption Agreement (6-0)***

- G. **Feasibility Study on forming a Fire district:** The Mayor and Town Council may discuss and possibly take action to approve a proposal from PolicyLogic, LLC- Government Affairs & Consulting to conduct feasibility study necessary to form a Fire District. **Discussion and Action**

***Town Manager M Celaya advised that the Feasibility Study on forming a Fire District is an option to seek revenue for the Fire Department and public safety. He referenced the meeting at the League Conference, and that this is the first step in improving service. Council Member J Turner indicated that a decision had already been made regarding the Fire Service and Public Safety and it was noted that no decision has been made. There was a question about the length of time to complete study and it was noted that ninety-days (90) is sufficient. Mayor C Turner advised that the study will allow for learning and asked if the funds would only be used for the study, and it was noted yes.***

***Mayor C Turner called for a motion and with no motion Item IV. G died.***

- H. **October 11, 2016 Council Meeting:** The Mayor and Town Council shall discuss and possibly take action to move the regular Council meeting of October 11, 2016 to October 10, 2016 due to the absence of the Town Manager and Finance Director being absent as they will be attending the Annual Caselle

Training. Discussion and Action

**Council Member J Turner moved to move the regular Council meeting of October 11, 2016 to October 10, 2016 due to the absence of the Town Manager and Finance Director being absent as they will be attending the Annual Caselle Training; Seconded by J Rubalcava. Motion to move the regular Council Meeting passed unanimously (6-0)**

- I. **Border Patrol Station:** The Mayor and Town Council may discuss and possibly take action to revert the Border Patrol Station Property back to the United States Department of Health & Human Services. **Discussion and Action**

***Town Manager M Celaya noted that this was a twelve-year-old project with use-limitations in place: It must be used in connection with public health. In order to revert the Property back to the U.S. Department of Health & Human Services, the Mayor must sign the revert letter. He advised at that point the Town will have to adhere to orders that will be issued once the revert letter has been signed by the Mayor and submitted. Public Works Manager D Morris advised that the Town currently has some items in storage in the aforementioned property's garage.***

***Council Member J Rubalcava moved to revert the Border Patrol Station Property back to the United States Department of Health & Human Services. Seconded by Council Member J Turner. Motion to revert the Border Patrol Station Property motion passed unanimously (6-0).***

- J. **Well #4 Waste Station:** The Mayor and Town Council may discuss and possibly take action to direct staff as to the future status of Well #4 Waste Station. **Discussion and Action**

***Town Manager M Celaya spoke about the current issues regarding Well Number Four (4) dump site. At one point, the station had to be shut down when other communities were dumping there, exceeding tonnage allowances. A list of options was given along with reviewing each option. A discussion about man-hours needed to stay on top of issue ensued. Mayor C Turner suggested manning and charging the waste station issue residential dumping. Town Manager M Celaya indicated that Waste Management (WM) has a forty percent (40%) bad debt. Mayor C Turner suggested coverage for thirty (30) hours a week and implement appropriate fees. It was suggested that the fee be \$2.50 per trash bag; Resident Fred Hull spoke about the need to recycle.***

***Mayor C Turner moved to have the waste station open thirty-two (32) hours per week and assess a \$2.50 per bag for household trash and to hold a work session at the next regular Council meeting. J Turner seconded motion. Motion passed unanimously (6-0) to have the waste station open thirty-two (32) hours per week and assess a \$2.50 per bag for household trash and to hold a work session at the next regular Council meeting.***

- 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 T Sikes reported on APS meeting that he attended; Council Member J Rubalcava gave his farewell as he won his election and can no longer hold his seat. Thanked the Town for their support and now can represent Gila Bend a lot more. His last meeting is tonight.**

**Mayor C Turner reported that it was a pleasure working with Council Member J Rubalcava. He expressed his pride in him, as an asset to the Town, and congratulated him. He reported on the APS meeting at which, APS gave the directive for the future that included Gila Bend and the solar industry. He advised that a meeting would be set with Council and Staff regarding transmission of solar power. In addition, that long-time Gila Bend resident, Margie Lonas, turned 100 years old, and it was great party.**

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 M Celaya CDBG project near completion; Tohono O'odham grant received Pima Streetscape Program shout out to Kathy and Summer; IGA with Tohono O'odham; Permit comparison; Pitch-In for Gila Bend (Neighborhood Cleanup) reviewed event 4 – 6 homes to clean up paint etc.; traffic count over Labor Day: 29,000 at the height; \$80,000 additional funding for CDBG project.**

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)

**Finance Director S Young spoke about return of Funds into special account Parks and Recreation Director C Drury reported on taking a proactive stance regarding streets; Pima Street clean up and that Fright Night will be October 28<sup>th</sup>.**

VIII. MSCO REPORT

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

**MCSO Captain reviewed the August report and noted two (2) fires, burglaries, and thefts. Reported on fatal accident. Nothing new to report; asked the mayor if the Town would like to step up DUI patrol on weekends; Mayor responded affirmatively. Mayor asked about burglary that happened three (3) weeks ago. Captain will follow up later this week.**

IX. CHAMBER OF COMMERCE REPORT

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

**Chamber of Commerce President C Hubbard reported that the next Chamber meeting will be held on October 5<sup>th</sup> and that the Chamber is working on a tourism brochure.**

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.)

**Maricopa County Small Branch Librarian E Stewart reports they have new internet service; book dominoes; book marks; craft at Halloween; senior program; star gazing program in January; open to new ideas and programs**

**Fred Hull recommends the Town Council reconsider the Fire District feasibility study**

**Resident Tammy Turner spook about an issue with a Gila Bend resident couple who frequents public facilities and whom has “a record of various offenses.” Suggested issuing a trespass order against these individuals, Branch Librarian E Stewart assured that they “keep an eye on it.” She further stated that they call 911 if they see illegal behavior.**

XI. FUTURE AGENDA ITEMS

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

**Council Member J Turner - work session regarding streets; Councilman C Kreeger work session regarding waste facility; Council Member T Sikes work session regarding feasibility study; Councilman J Rubalcava brought up the need to address the request for speed bumps that was brought before the Council at a prior meeting.**

XII. 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 and/or A.R.S. §38-431.03(A)(4) for the purpose of contract negotiations. **Discussion and Action**

**Mayor C Turner called for a 5 minute recess and advised that Council would enter into an executive session pursuant to A.R.S. §38-431.03(A)(4) for the purpose of contract negotiations. Time 7:00 pm**

**Regular meeting reconvened at 8:04pm**

XIII. ADJOURNMENT

**Meeting adjourned on a motion by Council Member F Fernandez and a second by Council Member C Kreeger. Motion to adjourn passed unanimously (6-0) at 8:05 pm.**

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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 the Council Meeting held September 27, 2016 and the meeting was duly called and posted and that a quorum was present.

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Beverly Turner, MMC  
Town Clerk