

TOWN OF GILA BEND

Minutes of the March 7, 2011 Special Council Meeting

I. CALL TO ORDER

- A. Call to order **Meeting called to order by Mayor Henry at 12:00 noon**
- B. Pledge of Allegiance **Pledge of Allegiance led by Mayor Henry**
- C. Invocation **Invocation given by Vice Mayor Hull**

II. ROLL CALL

Mayor Ron Henry
Vice-Mayor Fred Hull
Council Member Fernando Fernandez **absent**
Council Member Armida Gonzalez

Council Member Chuck Turner
Council Member James "Bud" Turner
Council Member Donny Young

Staff present: Town Manager Buss, Town Attorney McClure, Town Clerk Turner, Finance Director Young, Planning & Development Director Fitzer, Public Works Director Menard, Parks and Recreation Director Turner, Records Management Clerk Eisenberger

III. PUBLIC HEARING:

Solar Field Overlay Zone SFOZ-11.01: Frank DeRosa on behalf of First Solar Electric, LLC is requesting approval of a Solar Field Overlay Zone (SFOZ) for the proposed Paloma Solar Generating Facility. This proposal includes a total of 17.28 Mega Watts (MW) of Photovoltaic (PV) solar panels located on approximately 242 acres. The site is generally located approximately one mile south of the southeast corner of Old US 80 (US 80) and the Fornes Road alignment within the incorporated limits of the Town of Gila Bend; the site is zoned Planned Community (PC) (Sonoran Trails MPC). **(PUBLIC COMMENT ONLY) Mayor Henry called the Public Hearing to order at 12:01pm. Max Bakker, Associate Developer, with First Solar introduced Sandra Pellegrino, Project Development Engineer, and Doug Biggers, Construction Site Manager. As part of the Public Hearing, Mr. Bakker and Mr. Biggers gave a PowerPoint presentation that addressed: Company Overview, 2.2 GW North American Systems Business Pipeline, Paloma Project Location, Paloma Project Status and Overview, Project Preliminary Layout, Project Economic Benefits, Project Milestones, and Project Construction Process. Discussion on the panels ability to withstand wind and hail with Mr. Biggers noting that the panels are constructed to withstand winds up to 90mph and that two inch ice balls were fired at the panels. Mr. Bakker thanked the Town for the Solar Overlay Zone. No further discussion. Mayor Henry closed the Public Hearing at 12:14pm.**

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 **Councilmember J. Turner requested that Item C. be pulled for discussion and Councilmember Gonzalez asked what the Town portion would be on Item D. Finance Director Young noted that the Town's portion of Item D. would be \$301.30. Councilmember C. Turner moved to approve Items. A, B, D and E. Vice Mayor Hull seconded. Motion passed unanimously; 6-0.**

- A. Approval of January 22, 2011 Council Meeting Minutes: The Mayor and Town Council shall discuss and possibly take action on the approval of the January 22, 2011 Council Meeting Minutes. **Discussion and Action (WHITE)**
- B. Loan Agreement. The Mayor and Town Council shall discuss and possibly take action to approve the annual loan agreement with the National Museum of the United States Air Force for the F101 Aircraft located at the Gila Bend Airport. **Discussion and Action (BLUE)**
- C. Resolution 11-03: A Resolution of the Common Council of the Town of Gila Bend, Arizona, hereby amending the Fee Resolution No. 07-10 as to certain commercial waste water language and permit deposits as hereinafter set forth. **Discussion and Action (YELLOW) Public Works Director Menard noted that an issue came up regarding dumping into a manhole and that there is a fee in place but not a procedure and this establishes a procedure. Councilmember J. Turner noted that his concern is past problems with the sewer ponds**

and how would the Town know what is being dumped and whether it is toxic and/or hazardous. Discussion on forms for dumping include what type of matter is being dumped, currently dumping now and pay fee and that adding a deposit is a means to get control of when and where they are dumping. Discussion on one contractor assists us and this would be a hardship if contractor could not dump here, adding language specific to existing verbal agreements, events and emergencies and exclusivity being a problem. Councilmember C. Turner moved to approve Item C. Motion seconded by Vice Mayor Hull. Motion passed; 5 – 1 with Councilmember J. Turner voting nay.

- D. Change Order for S.D. Crane Builders, Inc.: The Mayor and Town Council shall discuss and possibly take action on the approval of Change Order #1 from SD Crane Builders, Inc. for the construction of the Shade Hangers at the Gila Bend Airport. **Discussion and Action (PINK)**
- E. Arizona Department of Transportation (ADOT) Maintenance Grant: The Mayor and Town Council shall discuss and possibly take action to authorize the Letter of Participation in the pavement preservation program for the express purpose of preserving the runway at the Gila Bend Municipal Airport. **Discussion and Action (GREEN)**
- V. BUSINESS - Discussion and possible action on the following items:
- A. Reconsideration of Economic Development Opportunity: The Mayor and Town Council shall discuss and possibly take action to reconsider approval of being included in the television series "Profiles with Terry Bradshaw. **Discussion and Action** *Town Manager Buss noted that this item came before the Council before and resulted in a 3-3 tie vote. He noted that since then, a conference call with show producers answered many of the questions, this opportunity was presented to APS for their input and received an email this afternoon from APS stating that they will support this opportunity with \$ 5,000.⁰⁰. Manager Buss noted that the Town received the \$7,500⁰⁰ lien check (Dirt Burner property) for a total of \$12,500⁰⁰ leaving an amount of \$7,300⁰⁰ the Town would have to pay. Manager Buss also noted that producers assured that Gila Bend would not be cast in a negative light, that the Town has the final approval before being aired and that the Town of Gila Bend will own the production that features Gila Bend. Mr. Doug Biggers, First Solar, stated that First Solar will match the \$5,000.⁰⁰ contributed by APS. Vice Mayor Hull moved to approve. Motion seconded by Councilmember Gonzalez. Motion passed unanimously; 6 – 0.*
- B. Reconsideration of Final Street Names: The Mayor and Town Council shall discuss and possibly take action to reconsider approval of Final Street Names for the Town. **Discussion and Action (SALMON)** *Public Works Director Menard noted that this is back after failing due to a 3 – 3 tie. Director Menard spoke with San Lucy who are behind changing the name of Indian Road. Vice Mayor Hull moved to not change street names as those named avenues and streets are already known. Motion failed due to lack of a Second. Councilmember Young moved to approve 'as is'. Motion seconded by Councilmember J. Turner. Motion passed 5 – 1 with Vice Mayor Hull voting nay.*
- C. Minor Subdivision SUB-11.02: Gary Smith, with Sonoran Trails LLC, is requesting approval of the Cotton Center Two Final Plat. This proposal is to subdivide and reconfigure Assessor's Parcel Number(s) [APN#('s)] APNs 402-03-002-B, 402-03-003-D, 402-03-001-A and 402-03-001-B into three parcels. The "Cotton Center Two" parcels will range in size from ± 71.087 acres up to ± 241.713 acres. The site is generally located approximately one mile south of the southeast corner of Old US 80 (US 80) and the Fornes Road alignment within the incorporated limits of the Town of Gila Bend; the site is zoned Planned Community (PC) (Sonoran Trails MPC) and is currently under an application for a Solar Field Overlay Zone (SFOZ) case number SFOZ-11.01 and a Site Plan Review (SPR) case number SPR-11.01. **Discussion and Action (WHITE)** *Planning and Development Director Fitzer handed out exhibits and noted that this meets all requirements. No further discussion. Vice Mayor Hull moved to approve. Motion seconded by Councilmember C. Turner. Motion passed unanimously; 6 – 0*
- D. Ordinance 11-02 (Solar Field Overlay Zone SFOZ-11.01): Frank DeRosa on behalf of First

Solar Electric, LLC is requesting approval of a Solar Field Overlay Zone (SFOZ) for the proposed Paloma Solar Generating Facility. This proposal includes a total of 17.28 Mega Watts (MW) of Photovoltaic (PV) solar panels located on approximately 242 acres. The site is generally located approximately one mile south of the southeast corner of Old US 80 (US 80) and the Fornes Road alignment within the incorporated limits of the Town of Gila Bend; the site is zoned Planned Community (PC) (Sonoran Trails MPC). **Discussion and Action (WHITE) Planning and Development Director Fitzer handed out the modification to stipulations. No further discussion. Motion to approve by Councilmember C. Turner. Motion seconded by Councilmember J. Turner. Motion passed unanimously; 6 - 0**

- E. Site Plan Review SPR-11.01: Frank DeRosa on behalf of First Solar Electric, LLC is requesting approval of a Site Plan for the proposed Paloma Solar Generating Facility. This proposal includes a total of 17.28 Mage Watts (MW) of Photovoltaic (PV) solar panels located approximately 242 acres. The site is generally located approximately one mile south of the southeast corner of Old US 80 (US 80) and the Fornes Road alignment within the incorporated limits of the Town of Gila Bend; the site is zoned Planned Community (PC) (Sonoran Trails MPC) and is currently under an application for a Solar Field Overlay Zone (SFOZ) case number SFOZ-11.01. **Discussion and Action (WHITE) Planning and Development Director Fitzer handed out minor modifications to stipulations due to fast-track of project. Discussion on #11 stricken out as it is included in #2. No further discussion. Motion to approve by Councilmember Young. Motion seconded by Vice Mayor Hull. Motion 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)

Councilmember Fernandez: Absent – No report

Councilmember Gonzalez: Thanked Parks and Recreation Director Turner on the good job with Butterfield Stage Days. She would like to see breakdown of costs of the event.

Vice Mayor Hull: Thanked Parks and Recreation Director Turner for a nice event.

Councilmember Young: Thanked all who attended the Monster Classic and extended prayers to the Henry family.

Councilmember J. Turner: Wanted to thank Paul Vinzant publically for cleaning up graffiti around town.

Councilmember C. Turner: Thanked vendors and all working with the Town, especially the media.

Mayor Henry: Thanked First Solar for their generous contribution.

Mayor Henry requested reports from:

Town Clerk Turner: Reported that all should get out and vote.

Planning and Development Director Fitzer: Thanked the developers and APS and noted that Gila Bend is the only town in Arizona with two solar projects. Reported that he will be attending the CDAC meeting on Wednesday and he will be getting information on the Capitol Avenue waterline project.

Public Works Director Menard: Reported that all of the vehicles are running and that he is getting ready for the auction. Reported that the bid for tank removal will be going out with the pre-bid on March 17th. Director Menard invited the Council to go out and look at the two new trucks that have been delivered and at the completed emergency trailer.

Parks and Recreation Director Turner: Reported that he will have a full report available of cost breakdown of the Butterfield Stage Days event and thanked his crew for the hard work with both the event and the work done with the Monster Classic.

VII. TOWN MANAGER REPORT

Town Manager Buss that he attended the West Valley Managers meeting with MAG and establishing a small city development group is something being considered. Reported that MCSO has committed to give a report at the last Council meeting of the month and thanked the deputy for being here. Reported that he will be attending the AZ Imaging Conference as a guest of Solar Reserve on Friday, March 18th. Manager Buss thanked Finance Director Young for doing an audit of every utility customer.

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.) **Max Bakker, First Solar, thanked the Town and commented how great it was working with the Town staff and management. Daniel Birchfield, resident, commented that there will be lots of impact from street name changes. Resident John Brewer asked why change the names and why did the Town not get input from the residents on the name changes. Town Manager Buss responded that street names are not being changed, except for Indian Road, and that addresses will remain the same. Resident Brewer asked again why no one was checked with regarding street name changes and commented that no one in town wants the names changed.**

IX. 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
Vice Mayor Hull moved to adjourn. Motion seconded by Councilmember C. Turner. Motion passed unanimously; 6 – 0 Time of adjournment: 12:54pm.

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 regular meeting held March 7, 2011, and the meeting was duly called and posted and that a quorum was present.

Beverly Turner, CMC
Town Clerk