

TOWN OF GILA BEND

Minutes of the October 12, 2010 regular Council meeting

I. CALL TO ORDER

- A. Call to order **Mayor Henry called the meeting to order at 6:00pm**
- B. Pledge of Allegiance **Mayor Henry led the Pledge of Allegiance**
- C. Invocation **Town Attorney McClure gave the Invocation**

II. ROLL CALL

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

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 & Economic Development Director Fitzer, Records Clerk Eisenberger, Counter Services Smith

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 September 28, 2010 Regular Council meeting minutes: The Mayor and Town Council shall discuss and possibly take action on the approval of the September 28, 2010 Regular Council meeting minutes. **Discussion and Action (WHITE)**
- B. Amended Contract: The Mayor and Town Council shall discuss and possibly take action on amending the Airport Manager's Contract, simplifying payment schedules, adding additional services, and amending the contract term. **Discussion and Action (YELLOW)**
- B. Department of Correction Contract The Mayor and Town Council shall discuss and possibly take action to approve a contract with the Arizona Department of Corrections (ASPC-Lewis) for inmate labor. Discussion and Action

Councilmember J. Turner motioned to approve the Consent Agenda. Motion seconded by Vice Mayor Hull. Discussion on Item B included questions on whether the services could be done in-house and where the funds were coming from. Discussion on the services being already on scope with current duties and funds coming from the Chamber of Commerce line item. Vice Mayor Hull noted that on Item C. in Section 3 there is no date and that the date should be October 12th. Motion passed unanimously; 5-0.

IV. BUSINESS - Discussion and possible action on the following items:

- A. Resolution 10-11: A Resolution of the Town Council of the Town of Gila Bend, Arizona, establishing a salary equivalent for purposes of computing workers' compensation insurance premium and compensation benefits for volunteers. **Discussion and Action (PINK) Town Clerk Turner advised that currently the Town does not have volunteers covered under Workers Compensation insurance and that the cost to insure is \$3.46 per month per volunteer. Vice Mayor Hull moved to approve. Motion seconded by Councilmember C. Turner. Motion passed unanimously; 5-0.**
- B. Public Works Director: The Mayor and Town Council shall discuss and possibly take action on approving a contract with WLM Consulting, LLC. to serve in the capacity of Public Works Director for the Town of Gila Bend. **Discussion and Action (GREEN) Town Manager Buss read the Staff Report and then introduced Mr. Bill Menard. Resident Clyde Kreeger**

asked about Mr. Menard's availability 24/7. Mr. Menard responded that he would be available Monday through Thursday and by phone when not here physically. Discussion on how emergencies would be handled as Mr. Menard lives out-of-town. Mr. Menard relayed that he can be in town within one and a half hours, he will be assessing the Town crew and their availability. Mr. Kreeger spoke about his concern with a Public Works Director that lives out-of-town. Councilmember C. Turner noted that he would like a declaration included in the contract to have prior approval for emergencies. Councilmember J. Turner spoke about the travel expenses and it was noted that the travel expenses in the contract are standard. Councilmember J. Turner moved to approve the contract as amended to include a prior approval for emergencies declaration. Councilmember Young seconded. Motion passed unanimously; 5-0.

- C. Budgetary Transfer: The Mayor and Town Council shall discuss and possibly take action on approving the transfer of \$60,000.00 from GL#10-60-110 to GL#10-60-340. This interdepartmental budgetary transfer has no effect on the bottom line of the Public Works Department, but is required by Title 35 of the Arizona Revised Statutes. **Discussion and Action (SAME AS ITEM B) Vice Mayor Hull motioned to approve. Motion seconded by Councilmember C. Turner. No discussion. Motion passed unanimously; 5-0.**
- D. Surplus Property Sale: The Mayor and Town Council shall discuss and possibly take action to accept bids received for the sale of Town surplus property. **(BLUE) Councilmember J. Turner moved to approve. Motion seconded by Vice Mayor Hull. Discussion on the \$100 bid for ditch witch with Town Clerk Turner responding that she was told that it was no good and of no use. There was a question of whether the Celebrity was included in the sale and Town Clerk Turner responded that it was. Motion passed unanimously; 5-0.**
- E. Special Event Permit: The Mayor and Town Council shall discuss and possibly take action to approve a special event permit to the Arizona Department of Liquor License and Control to allow for the sale of alcohol (beer only) at the 8th Annual Shrimp Fest to be held November 6th and 7th, 2010. **Discussion and Action Town Manager Buss noted that this is the standard approval for an event. Vice Mayor Hull moved to approved. Motion seconded by Councilmember C. Turner. Resident Clyde Kreeger questioned whose name was on it with the response from Mayor Henry that he (himself) was named. Discussion on this issue being discussed at event meetings and insurance rates much more economical this way. Resident Dayle Birchfield commented that in August the Chamber of Commerce got the ok and has already purchased it, that it has always been in the Chamber's name, and that there is no reason for having it in the Town's name other than the Town wants the 25% profit. She asked why not continue doing it the same as the last seven (7) years? Mayor Henry responded that this issue has been discussed and approved by the majority of meeting attendees, it was being done this way for economic reasons, and that the Town did not want the Chamber's 25% profit. Finance Director Young commented that it can be donated back to the Chamber. Vice Mayor Hull motioned to amend the motion to approve to include that the 25% to be donated back to the Gila Bend Chamber of Commerce. Motion seconded by Councilmember C. Turner. Motion passed unanimously; 5-0.**
- F. Wastewater Treatment Plant Expansion Approval of Construction (AOC): The Mayor and Town Council shall discuss and possibly take action to approve a Professional Engineering Services Agreement with PBS&J for study and preparation of the Approval of Construction (AOC) Documents to submit to Maricopa County Environmental Services Division (MCESD) for the expansion at the Town of Gila Bend WWTP. **Discussion and Action (SALMON) Planning & Economic Development Director Fitzer noted that in 2002 the Town got an Approval to Construct from Maricopa County, in 2005 the Town was directed to finish up, and was issued an interim construction approval in 2008. He noted that only five aerators work and the Town was issued a Notice of Violation. Town Manager Buss noted that this does not include the SolarBee information which will change the amount of aerators needed and that Maricopa County gave this as an option, Planning & Economic Development**

Director Fitzer noted that there will only be one document to submit that will result in lower costs. Councilmember J. Turner motioned to approve. Motion seconded by Councilmember Young. No further discussion. Motion passed unanimously; 5-0.

- G. CDBG Scott Avenue Waterline and Fire Hydrant Replacement: The Mayor and Town Council shall discuss and possibly take action approve a Professional Engineering Services Agreement with PBS&J for the CDBG funded Scott Avenue Waterline and Fire Hydrant Replacement Project. **Discussion and Action (LILAC) Planning & Economic Development Director Fitzer noted that the funds were awarded by Maricopa County, original request for \$580,000 was scaled back to drop Cleveland Ave., and PBS&J will do all. Councilmember J. Turner moved to approve with a second by Councilmember C. Turner. Discussion on Town to do inspections and reports, total not to exceed amount of \$39,000, and that the Staff Recommendation on the Staff Report will be corrected to reflect the correct not to exceed amount of \$39,000. Motion passed unanimously; 5-0.**
- H. Federal Road Classification: Approval requested by staff of an update to the Town of Gila Bend's Federal Road Classification and transmittal of the approved update to the Maricopa Association of Governments no later than October 15, 2010. **Discussion and Action. Town Manager Buss commented that this is with air quality standard through EPA and that the classification is non-attainment status now with the biggest issue near Buckeye. He noted that the EPA has admitted to flawed standards but non-attainment status can result in loss of \$1.58 billion in Maricopa County. Planning and Economic Director Fitzer noted that all projects are based on Federal Road Classification but before the funding freeze occurs the Town can amend some of the road classifications and that this could be helpful in the future in the way of funding. Vice Mayor Hull moved to approve. Councilmember J. Turner seconded. Discussion on eligibility is dependent on compliance, Wickenburg and Gila Bend have same problem, issues with SR238, Citrus Valley, Old Hwy 80, projects will be brought before Council, and submitting to MAG by November 4, 2010 requirement. Planning & Economic Development Director Fitzer gave a presentation and noted that this should be done now to apply for federal funds or do other contingency projects. Motion passed unanimously; 5-0.**
- 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)
Councilmember Fernandez: absent
Councilmember Gonzalez: absent
Vice Mayor Hull: no report
Councilmember C. Turner: no report
Councilmember J. Turner: no report
Councilmember Young: no report
Town Clerk Turner reminded everyone to vote in the upcoming election.
Planning & Economic Development Director: noted that his report was covered in meeting.
Finance Director Young: no report
Airport Manager Drury: Reported that within one and one half weeks you will see activity at the airport and actual construction on shade hangars should begin in three weeks. He noted it was good to see this progress as it has been two years.
- VI. **TOWN MANAGER REPORT**
Town Manager Buss reminded everyone of the 2nd Annual Santa Show & Shine being held this weekend at the airport. He will be attending the International Solar Conference and the International City Manager Conference. Reported on the good discussions with the First Things First program and he will be taking a sample agreement to the October 28th meeting with them. He attended the West Valley Management meeting where a big push for the commuter/freight rail as it is a good economic development tool. The rail would go through Gila Bend and be a good thing for the Town if approved. Reported that the talks concerning a multi-jurisdictional facility located at the Gila Bend sub-station are continuing, there is great support for this and that there will be another meeting in two weeks. Reported that the DOC contract is done and now the Town will have three to four people do the required training. He is working on getting the Department of Health

Services IGA done. Town Manager Buss noted that there is a lot going on in and for the Town and he and staff are keeping busy.

- VII. 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 Clyde Kreeger brought the Council up-to-date on the progress of the 8th Annual Desert Shrimp Fest to be held on November 6 & 7, 2010. He commented that expenditures will be \$23,000 and expects the income to be no more than \$13,000, making it the first year there will be a loss. Finance Director Young asked how the expenditures can be \$23,000 with Mr. Kreeger responding that he will show her his numbers. Mr. Kreeger noted that volunteers are still needed as some volunteers from a local church have backed out this year.**
- VIII. EXECUTIVE SESSION: EXECUTIVE SESSION: The Town Council may go into executive session pursuant to A.R.S. 38-431.03(A)(3) and A.R.S. 38-431.03(A)(4) for purpose of obtaining legal advice from Bill Sims, Attorney regarding possible litigation pursuant to the Helm/Sabre Aircraft v. Town of Gila Bend as well as the Town Attorney on any of the above agenda items **No Executive Session called.**
- IX. ADJOURNMENT
Councilmember C. Turner motioned to adjourn. Motion seconded by Vice Mayor Hull. Motion passed unanimously; 5-0. Time of Adjournment: 6:47pm.

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 October 12, 2010, and the meeting was duly called and posted and that a quorum was present.

Beverly Turner, CMC
Town Clerk