

TOWN OF GILA BEND

Minutes of the August 31, 2010 Special Council Meeting

I. CALL TO ORDER

- A. **Mayor Henry called the meeting to order at 6:00pm**
- B. **Pledge of Allegiance led by Mayor Henry**
- C. **Invocation given by Vice Mayor Hull**

II. ROLL CALL

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

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

Staff present: Town Manager Buss, Town Clerk Turner, Community Planner Fitzer, Finance Director Young, Records Management Clerk Eisenberger, Counter Operations Smith

Mayor Henry introduced Attorney Bill Sims. Attorney Sims requested that the Council go into Executive Session immediately. Councilmember J. Turner moved to adjourn and go into Executive Session. Motion seconded by Vice Mayor Hull. Motion passed unanimously; 7-0. Time: 6:01pm

Council re-adjourned at 6:12pm

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. **Motion to approve the Consent Agenda made by Vice Mayor Hull. Motion seconded by Councilmember Gonzalez. No discussion. Motion passed unanimously; 7-0.**

- A. Approval of August 10, 2010 Regular Council meeting minutes: The Mayor and Town Council shall discuss and possibly take action on the approval of the August 10, 2010 Regular Council meeting minutes. **Discussion and Action (WHITE)**

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

- A. Ordinance 10-09 Use Tax: An Ordinance of the Mayor and Town Council of the Town of Gila Bend, Arizona related to the Use Tax; Amending the Town of Gila Bend Use Tax; Providing penalties for the violation thereof; providing severability; establishing an effective date and providing for application of tax to certain contracts. **Discussion and Action (YELLOW) Councilmember J. Turner moved to approve Ordinance 10-09. Motion seconded by Councilmember Young. Town Manager Buss noted that Items A. and B. go together. He informed that in 2009 the Town passed a Use Tax and that Ordinance 10-09 is an economic development tool to attract and be used by industries that meet the eligibility requirements. Discussion on established industries can also take advantage of the tax break if they meet the specified requirements. Motion passed unanimously; 7-0.**

- B. Use Tax Tiered Rate Policy: The Mayor and Town Council shall discuss and possibly take action on approving a Use Tax Tiered Rate Policy. **Discussion and Action (PINK) Motion to approve made by Vice Mayor Hull and seconded by Councilmember Fernandez. Town Manager Buss asked if there were any questions. No discussion. Motion passed unanimously; 7-0.**

- B. Development Agreement Addendum: The Mayor and Town Council shall discuss and possibly take action on approving a development agreement addendum with Gila River Power, LLC constituting the third development agreement addendum. The original annexation and

development agreement was by and between the Town of Gila Bend and Panda Gila River, L.P. **Discussion and Action (GREEN) Councilmember C. Turner moved to approve. Motion seconded by Councilmember Fernandez. Town Manager Buss noted that a number of the Councilmembers were aware of the work put into this and that it sets forth the conditions for incentives of the Use Tax, Ordinance 10-09. It was noted that with Gila River Power, LLC. the minimum amount is \$500,000.⁰⁰, which they easily make monthly. Discussion on this being advantageous to both Gila River Power and the Town of Gila Bend and that it is a good thing for the community. Motion passed unanimously; 7-0**

D. Taxpayer "A" Closing Agreement: Pursuant to ARS 42-1113, the Town Council shall discuss and possibly take action on entering into a Closing Agreement with "Taxpayer A" for the purpose of setting Taxpayer's Use Tax liability with the Town of Gila Bend. **Discussion and Action (SALMON) Motion to approve by Vice Mayor Hull. Motion seconded by Councilmember Young. Town Manager Buss noted that Items D. and E. go together, Discussion on both items are standard closing agreements and that the Arizona Department of Revenue looked at and approved both. Motion passed unanimously; 7-0**

E. Taxpayer "C" Closing Agreement: Pursuant to ARS 42-1113, the Town Council shall discuss and possibly take action on entering into a Closing Agreement with "Taxpayer C" for the purpose of setting Taxpayer's Use Tax liability with the Town of Gila Bend. **Discussion and Action (LILAC) Vice Mayor Hull moved to approve. Motion seconded by Councilmember J. Turner. No discussion. Motion passed unanimously; 7-0**

F. Minor Subdivision SUB10.01: James Spring, with Morrison Marierle, on behalf of Gila River LP is requesting approval of the Gila River Power Blocks Final Plat. This proposal is to combine two parcels into a +449 acre parcel and to then subdivide three properties associated with the Power Blocks. The "Power Block" parcels range in size from +7.8 acres up to +15.5 acres with the remaining parcel totaling +418 acres. The site is generally located on the northeast corner of Stout Road and Watermelon Road within the incorporated limits of the Town of Gila Bend; the site is Zoned Heavy Industry Zone (I-3). **Discussion and Action (BLUE) Motion to approve made by Councilmember J. Turner. Motion seconded by Councilmember Young. Community Planner Fitzer commented that this is for Gila River Power, LLC, that two parcels are being combined then sub-divided and that this meets all ordinance and zoning requirements. Discussion on this does not affect plant operation, there are no improvements being made, and Ordinances allow for this. Motion passed unanimously; 7-0**

G. Changes Orders 1-3 2010 Street Improvement Project: The Mayor and Town Council of the Town of Gila Bend shall discuss and possibly take action to approve Change Orders 1 through 3 related to the 2010 Street Improvement Project. **Discussion and Action. Motion to approve made by Councilmember J. Turner. Motion seconded by Vice Mayor Hull. Community Planner Fitzer noted that these are minor changes, that the Orders were put together on Friday, that Items G. and H. go together and asked if there were any questions. No further discussion. Motion passed unanimously; 7-0**

H. Budgetary Transfer: The Mayor and Town Council of the Town of Gila Bend shall discuss and possibly take action to approve a budgetary transfer of \$20,000 from GL# 10-62-320 Engineering Services to GL# 21-61-850 Capital Improvement Program. **Discussion and Action Motion to approve by Vice Mayor Hull. Motion seconded by Councilmember Fernandez. Community Planner Fitzer commented that this is associated with Item G., that the \$20,000⁰⁰ will cover all Change Orders and that we are at the tail end of the project. No further discussion. Motion passed unanimously; 7-0**

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: No report

Councilmember Gonzalez: Reported on the League of AZ Cities and Towns conference she

attended. She commented that she came away with a lot of good ideas including available funding for refurbishing our RR Water Tank, importance of Council, Manager and community sharing a vision of purpose, do not compromise what you want our town to look like, importance of including culture and history in town vision, festivals are excellent community builders, celebrate accomplishments and there must be a good working relationship between the Council and Town Manager. She noted that she believes the Council and Town Manager do have a very good relationship and that the Town Manager always keeps the Council informed and on top of things. Councilmember Gonzalez also complimented Vice Mayor Hull on his great networking and gave congratulations for his 20 years of service and congratulations to Councilmember C. Turner for his 16 years of service.

Vice Mayor Hull: Thanked Councilmember Gonzalez for her kind words. He noted that he found the conference very informative and that during the parade of flags of 91 Arizona cities and towns, A.J. Young carried the flag of Gila Bend. Vice Mayor Hull noted that when each city or town was named there was polite clapping but when the Gila Bend flag came it was announced that the carrier, A.J. Young, is a representative of the State of Arizona for the USA Baseball Team, there was lots of clapping, hollering, and whistling.

Councilmember Young: Reported that he enjoyed the conference and that he and son, A.J. Young, will be going to North Carolina a week from tomorrow (Sept. 8, 2010). Councilmember Young complimented Community Planner Fitzer for the great job he is doing, his helpfulness and the large number of projects he is handling.

Councilmember J. Turner: No report

Councilmember C. Turner: Commented that he was dubious about the need for a Community Planner when Eric Fitzer was hired but that he wanted to compliment him also on the great job he is doing, that Community Planner Fitzer is an excellent "go-to" guy and that the Town cannot do without him now. He stated his appreciation for a job well done and also gave appreciation to Town Manager Buss for the job he is doing.

Mayor Henry: No report but asked for reports from:

Town Clerk Turner: Reported that there is a new fireworks law and an Ordinance model has been provided to the Town, thanked those who voted (August 24th), and that she is working with the numerous Town projects and codification of the Town Code, Ordinances, and Resolutions.

Finance Director Young: Reported that she is getting ready for the Auditor.

Community Planner Fitzer: Reported that Pima Street will be open for holiday (Labor Day) traffic, First and Second Streets should be completed within one week, and thanked everyone for their kind words.

Records Clerk Eisenberger: No report.

VII. TOWN MANAGER REPORT

Town Manager Buss reported that the League conference was great. He commented that in a meeting with Solana, they provided him with a tentative date of November 1st for groundbreaking, they expect to be doing earthwork through the 1st quarter of 2011, approximately 600-800 jobs will open up in the 2nd quarter of 2011, there is a Job Fair planned for local people, their belief is local first and global second, and that the Town is receiving tons of phone calls about the Solana project. He informed that the Parks & Recreation Director position has closed and that interviews are set up for next week and that he will have feedback available next week on the Public Works Manager position interviews. He complimented Community Planner Fitzer for the excellent job he is doing, noted that he has heard many compliments around town about the improvements being done, that he would like to continue with more improvements even if they are small ones and that he would like direction from Council in a work session to prioritize improvements so that the Town Staff can implement them as he does not want the improvements to stop.

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.) **Heather Goebel commented that a pot-luck was being held this evening at the Community Center to honor Betty Felix's, who is recently deceased, contributions and volunteerism to the Gila Bend community and that everyone is invited to attend.**

- IX. EXECUTIVE SESSION: 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) **Executive Session was held at the beginning of the meeting from 6:01pm to 6:12pm. Councilmember J. Turner moved to go into Executive Session with Vice Mayor Hull seconding (see full commentary prior to "Consent Agenda").**
- X. ADJOURNMENT
Vice Mayor Hull motioned to adjourn. Councilmember Gonzalez seconded. Motion to adjourn passed unanimously: 7-0. Time of Adjournment: 6:42pm

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 August 31, 2010, and the meeting was duly called and posted and that a quorum was present.

Beverly Turner, CMC
Town Clerk