

TOWN OF GILA BEND

Minutes of the May 11, 2010 regular Council meeting

I. CALL TO ORDER

- A. The meeting was called to order by Mayor Henry at 6:00pm
- B. Pledge of Allegiance led by Mayor Henry.
- C. Invocation given by Town Attorney McClure.

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-absent

Staff present: Town Manager Buss, Town Attorney McClure, Town Clerk Turner, Public Works Director Parsi, Finance Director Young, Community Development Director Fitzer, Fire Chief Birchfield, Records Clerk Eisenberger, Counter Operations 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 ***Vice Mayor Hull moved to approve the consent agenda. Motion seconded by Council Member C. Turner. Motion passed unanimously; 5-0. Vice Mayor Hull suggested that some swimming pool passes be provided for the library summer reading program.***

- A. Approval of April 27, 2010 Special Council meeting minutes The Mayor and Town Council shall discuss and possibly take action on the approval of the April 27, 2010 Council meeting minutes. **Discussion and Action (WHITE)**
- B. Gila Bend Branch Library. The Mayor and Town Council shall discuss and possibly take action on a request from the Gila Bend Branch Library for a donation to support the library's summer reading program. **Discussion and Action (BLUE)**

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

- A. Ordinance 10-04. An Ordinance of the Town of Gila Bend, Arizona relating to the Privilege License 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 (PINK) Item tabled by Mayor Henry.**
- B. Community Development Advisory Committee. The Mayor and Town Council shall discuss and possibly take action to appoint a Representative and Alternate to the Community Development Advisory Committee. **Discussion and Action (GREEN) Council Member C. Turner moved to approve. Motion seconded by Vice Mayor Hull. Discussion on Council Members Gonzalez and J. Turner currently the Representative and Alternate (concurrently)and to remain as is. It was noted that Council Member Gonzalez's attendance and support has been very helpful to the community. Motion passed unanimously; 5-0.**
- C. Maricopa County Wildfire Protection Plan. The Mayor and Town Council shall discuss and possibly take action to adopt the Maricopa County Wildfire Protection Plan prepared by Logan Simpson Design. **Discussion and Action (YELLOW) Council Member C. Turner moved to approve and Council Member J. Turner seconded. Fire Chief Birchfield noted that this included a study of historical fires, the plan is split into East and West, Gila Bend is one of the five communities at risk for catastrophic wild land fires, and Gila Bend is rated as a long-term priority. Motion passed unanimously; 5-0.**

- D. Butterfield Trail Water Line Extension Project. The Mayor and Town Council shall discuss and possibly take action to approve a Professional Engineering Services Agreement with PBS&J for the Butterfield Trail Water Line Extension Project. **Discussion and Action (SALMON) Vice Mayor Hull made a motion to approve which was seconded by Council Member Gonzalez. Public Works Director Parsi spoke about his meeting with PBS&J regarding design extension, out-lined in the agreement are responsibilities of each party, Director Parsi will work with the railroad as he worked with Union Pacific on the previous road improvement and has a good working relationship with them and that the negotiated price is fair with about a 7% savings to the Town. Motion passed unanimously; 5-0.**
- E. Bid Award. The Mayor and Town Council shall discuss and possibly take to award bid for the Street Improvement Project (2nd phase) to Cactus Asphalt in the amount of \$149,983.56 **Discussion and Action (LAVENDER) Council Member J. Turner moved to approve. Motion seconded by Vice Mayor Hull. Public Works Director Parsi spoke about the bid opening, five bidders with the highest bid at \$244,715.35 and the lowest at \$149,983.56. He noted that he has worked with Cactus Asphalt numerous times with excellent results and that he would like to set the preconstruction meeting before it gets to hot. Discussion on: 1) compaction test being paid for by the Town if it meets the 95% requirement because the Town pays for it either outright or cost is added to bid; 2) striping comes in two types with the thermal plastic type lasting a few years if done correctly, 3) Town pays for any utility adjustments since costs for adjustments are unknown until actual paving is done; 4) approximate costs for adjustments could be anywhere between \$3,000 - \$7,000.00; 5) pulverizing all of the millings at cemetery would be a separate job and research will be done to determine cost; 6) Cemetery Road could be done at an approximate cost of \$50 – \$55,000 and a proposal to pave it will be brought before the Council when the Right-of-Ways are complete; 7) differences in bids normal with numerous ones close and extremely high bidders are due to not having a big interest in being awarded the bid; and 8) the First and Second Street project will go all of the way around in the shape of a U. Motion passed unanimously; 5-0.**
- F. Part-Time Fire Chief. Request for Council approval for the creation of a part-time Fire Chief. Council must approve the creation of this personnel position pursuant to Title 35 of the Arizona Revised Statutes **Discussion and Action (GREEN) Vice Mayor Hull made a motion to approve. Motion seconded by Council Member Gonzalez. No discussion. Motion passed unanimously; 5-0.**
- G. Appointment of Part-Time Fire Chief. The Mayor and Town Council shall discuss and possibly take action to appoint David Birchfield as Part-Time Fire Chief. **Discussion and Action (BLUE) Vice Mayor Hull moved to approve. Motion seconded by Council Member J. Turner. Town Manager Buss noted that insurance coverage was a major issue and the concern of possible liability issues and an independent contractor agreement would be messy and costly to both parties. Discussion on Fire Chief's billing responsibilities will remain as they are currently with the Fire Chief providing the billing information to the Finance Department, which does the actual billing. Discussion on an increase of pay for more hours would require Council action, current hours per week are 15 but allow for 65 hours per month in case of emergencies and Fire Chief Birchfield will need to come to the Town office the next day to fill out the required new employee paperwork. Motion passed unanimously; 5-0.**
- H. Counterclaim. The Mayor and Town Council shall discuss and possibly take action relative to filing a counterclaim and a possible related, separate complaint in the matter of Helm v. Town of Gila Bend CV #2010-011587 arising out of Helm's failure to perform under a Gila Bend Municipal Airport Town Agreement between Helm and the Town of Gila Bend and under a Gila Bend Municipal Airport Lease Agreement between the Town of Gila Bend and a corporation formerly known as Sabre Aircraft Inc., an entity that Helm asserts he owned and controlled.

Outside counsel for the Town recommends authorizing the filing of a counterclaim and is necessary a separate complaint. **Discussion and Action Town Manager Buss requested that this item be voted on after the Executive Session.**

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 Fernandez: No report

Council Member Gonzalez: No report

Vice Mayor Hull reported that the Town will have a Memorial Day Observance at the Pioneer Cemetery on May 31st; census takers came by his home; and encouraged everyone to vote on the Sales Tax election next Tuesday, May 18th.

Council Member C. Turner: No report

Council Member J. Turner: No report

Mayor Henry: No report.

Mayor Henry asked if there were any reports from:

Finance Director Young: Reported that the Qwest billing issues were being finalized and now on State Contract; a friend of Town Manager Buss was very helpful with this; and that the Finance Department is preparing for year end duties.

Public Works Director Parsi: Reported that we received a notice from FEMA that the Hazard Plan for the next 4-5 years was adopted covering the county and town.

Town Clerk Turner: Reported that the invoices for Business License renewals have been done and mailed out.

Community Director Fitzer: Reported that two Citizen Reviews have been done with one more to go and that they will be back in front of the Planning Commission on June 3rd. He also noted that a "Discussion Only" is planned for a Major Plan Amendment.

VI. TOWN MANAGER REPORT

Town Manager Buss reported that Abengoa Solar (Solana) has financing in place and plan to break ground by the end of this year and continue to move forward on the project and he will be attending a pre-construction meeting with Rural Development tomorrow for the Waterline Project. Town Manager Buss thanked Town Clerk Turner for all of the hard work and perseverance she put towards this project and for keeping on top of it. Also reported was that the Parks and Recreation Department will be moving to the Social Center, that both Directors Dempsey and Hoffman have discussed the move and feel that it would be a good course of action, and that the move is planned in June. Town Manager Buss commented that there are a series of Work Sessions planned. He noted that he received a letter from the City of Phoenix regarding a meeting scheduled for October 20th on the landfill with information posted on the website. He closed his report with a request to the Gila Bend Chamber of Commerce Secretary/Treasurer, Dayle Birchfield, to compile a list on Gila Bend businesses, which she agreed to.

- 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.*) **Heather Goebel announced that Saturday, May 22nd is Public Day for the solar exhibit, Solar 2010, at the Phoenix Convention Center. The cost is \$5.00.**

- VIII. 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) **Council Member C. Turner moved to go into Executive Session. Motion seconded by Vice Mayor Hull. Motion passed unanimously; 5-0. Time: 6:39pm. The regular Council meeting reconvened at 7:11pm. Item H. Counter claim was then voted on after the conclusion of the Executive Session, Council Member C. Turner moved to approve filing a counterclaim. Motion seconded by Vice Mayor Hull. Motion passed unanimously; 5-0.**

IX. ADJOURNMENT

Vice Mayor Hull made the motion to adjourn. Council Member C. Turner seconded. Motion passed unanimously; 5-0. Time of adjournment; 7:12pm.

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 May 11, 2010, and the meeting was duly called and posted and that a quorum was present.

Beverly Turner, CMC
Town Clerk