

CITY OF GLOBE

REGULAR MEETING MINUTES

MUNICIPAL BUILDING 150 NORTH PINE STREET GLOBE, ARIZONA

JANUARY 24, 2011 6:00 P.M.

The meeting was called to order by Mayor Shipley at 6:00 p.m.

The Invocation was given by Vice Mayor Thea Twilshire followed by the Pledge of Allegiance led by Councilwoman Casillas.

ROLL CALL

Councilpersons present: Wheeler, Wilshire, Uhl, Baker, Casillas and Alderman

Councilpersons absent: None

City Manager / Legal Counsel present: K. Kane Graves

1. SUMMARY OF CURRENT EVENTS

A. Council Members

Vice Mayor Wilshire encouraged all to continue cheering for Globe in the Readers Digest Sweepstakes. She stated that if we reach the top 7 that the March Edition of the magazine will feature Globe, stating that this would be phenomenal.

B. Mayor

None.

C. City Manager

None.

2. SPECIAL PRESENTATIONS

A. None Scheduled at This Time.

3. CONSENT CALENDAR

Councilman Alderman moved to accept the consent agenda items A, B with Addendum, C. Seconded by Vice Mayor Wilshire.

Motion carried.

A. Consideration of waiver of Section 2-4-10 (A) [Prior Discussion Rule] to allow action on the balance of the Consent Agenda.

Passed

B. Accounts Payable

Passed with addendum

C. Letter of Support For Cobre Valley Transit.

Passed

D. Consideration of Appointment of Planning and Zoning Commissioners. (Chris Collopy)

Building Inspector Chris Collopy stated that the commission had 2 vacancies. He stated that he had advertised in the local newspaper for two weeks and only received one response. He recommended to the Council to fill the vacancies with the alternate members: Richard Franco and Jerry DeRose and the reappointment of past chairman Carmen Corso whose term has run out.

Councilman Wheeler moved to approve Richard Franco, Jerry DeRose and Carmen Corso to the Planning and Zoning Commission. Seconded by Councilman Baker.

Motion carried unanimously.

E. Consideration of Approval of Council Minutes:

1. Council Retreat of January 8, 2011
2. Regular Meeting of January 10, 2011

Vice Mayor Wilshire moved to table the approval of the minutes, she stated that she submitted changes for the clerk to make. Seconded by Councilman Baker.

Motion carried unanimously.

4. NEW BUSINESS

A. **RESOLUTION NO. 1601** - A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GLOBE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "ARTICLE 4-2 ALARM SYSTEM REGULATION," IN CHAPTER 4 POLICE DEPARTMENT, OF THE GLOBE CITY CODE. (Kane Graves / Lee Kinnard)

City Clerk Gina Paul read the caption of the proposed Resolution No. 1601. City Manager Graves stated that the proposed Ordinance No. 707 is also part of this resolution.

Police Chief Lee Kinnard stated that the Police Department received 653 alarms last year and more than $\frac{3}{4}$ of them were false alarms. He stated that assessing a 100.00 fee after the 1st 3 false alarms would encourage people to check their alarm systems rather than waste the time of police officers who are tending to emergency calls.

It was the consensus of the Council to place this item on the next meeting agenda for consideration along with Ordinance No. 707.

- B. **ORDINANCE NO. 797** - AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GLOBE, ARIZONA, AMENDING CHAPTER 4, POLICE DEPARTMENT, OF THE GLOBE CITY CODE BY THE ADDITION OF ARTICLE 4-2, ALARM SYSTEM REGULATION, AND ADOPTING THAT DOCUMENT ENTITLED "ARTICLE 4-2, ALARM SYSTEM REGULATION," INTO CHAPTER 4, POLICE DEPARTMENT, OF THE GLOBE CITY CODE BY REFERENCE. (Kane Graves / Lee Kinnard)

It was the consensus of the Council to place this item on the next Council meeting agenda for consideration.

- C. **RESOLUTION NO. 1602** - A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GLOBE, EXPRESSING ITS SUPPORT FOR A RECOMMENDATION TO THE SOUTHER GILA COUNTY ECONOMICAL DEVELOPMENT CORPORATION TO CEASE THEIR PURSUIT OF A PRIVATE PRISON PROJECT, LOCATED WITHIN OR NEAR THE CITY OF GLOBE, COUNTY OF GILA, STATE OF ARIZONA.

This item was placed on the agenda at the request of the group opposed to a private prison in Globe.

Councilwoman Uhl stated that she finds this whole idea appalling. Where does this stop, why should we tell (EDC) them how to do their job, this is a terrible idea.

Councilman Wheeler stated that he disagrees with Councilwoman Uhl. He stated that there are other ways to develop our community than bringing in a private prison. He stated that a private prison is not a moral way to house law breakers, stating that in some states it takes lawbreakers 3 strikes your out causing overcrowding, stating that the state will have to deal with this issue in time. He stated that private prisons are a form of slavery. He fears for the water in our town, stating that there are too many people in our community that are opposed to private prisons. Councilman Wheeler read the entire resolution as presented by the group opposed to private prisons.

Councilman Alderman stated that he respectfully disagrees with Councilman Wheeler stating that EDC has held meetings and welcomes anyone in the community to share their great ideas, stating that a lot of us are misinformed by lies by omission, threats and a significant portion of the community don't buy it.

Councilwoman Casillas stated that she was elected to do what is best for the community and her vote will include those individuals that have been intimidated and harassed and to advocate for them. She stated that private prisons are run under the same standards as state prisons, she encouraged all to get behind letter writing, this is what we want, it is taking time away from other business that we have to do, we are wasting tax payers money. She stated that Education budget is being sliced and reality is there are no jobs out there, this will help create jobs out there, kudos to edc, no one has brought anything forward, she stated that we need to put this in drive and move forward to take care of other business at hand.

Vice Mayor Wilshire stated that this resolution is changing protocol of how we work with bed tax recipients, we have an agreement and no where does it say that we have to do what is appropriate, In funding agreement with them and this resolution

set precedence when agreement was already made for them. She will express her opposition and opposed to this on how we act to non-profit.

Councilman Baker stated that there is no reason to continue this effort; people continue to want to be heard for or against. He is a little uncomfortable with Councilwoman Casillas remarks, stating that we live in a democracy, social and political moving toward authoritarian rule during these times does not make sense. He stated that by definition authoritarian often fails to adapt to change during tough times, It is this one, authoritarianism a submission to authority and is expected and overrides the will of the people. Democracy is why it feels wrong leaders say hey listen to me, this is too much, this is our business, and it affects the entire community. He agrees with Vice Mayor Wilshire stating that the way this resolution is worded is forceful, we are 1 entity that supports edc, significant amount of citizens wanted it, not telling EDC what to do; council recommends that we stop pursuing this issue, we have other ways of pursuing economic development. We can't just dismiss what is being presented to us.

Councilwoman Wilshire stated that she agree's with the sentiment of Councilwoman Casillas. Our country is democracy and our country is republican. Impractical republic form of government: people are elected to represent. Decisions go with what the decision is. We have a long list hoping to finish, and she wants this finished too. She stated that we need to use our energy and time for other things, explore this part of our ordinance; reasoning behind this is new business.

Councilwoman Casillas moved to suspend the meeting rules. Seconded by Councilman Alderman.

Motion carried with District 4 voting Nay.

Mayor Shipley stated that he has talked to a lot of people wanting this prison, this would bring a lot of jobs to our community, cohesive unit, it is serious, half council feels strongly against it, and for it, then he has to decide.

Mayor Shipley stated that we have a contract with EDC, an independent body. He stated that he read the funding agreement recitals, and whether we like this or not, they did this, we cannot micro manage another organization, this is bad policy.

Councilwoman Wilshire moved to not support resolution No. 1602. Seconded by Councilwoman Casillas.

Former Councilman James Haley stated that he opposes the private prison, but respects the rule of the majority. He asked the Council to send a referendum to the voters of the community, let the people have a voice.

Mr. Tom Moody voiced his approval for a private prison, stating that he has read positive things about this, we need income, we should allow EDC to continue to bring this idea into our community.

Mayor Shipley asked the City Clerk how much an election would be. Ms. Paul stated that an election is roughly \$15,000.

Mickey Nye stated that he is concerned with Mr. Wheelers comment of water conservation. He asked Mr. Wheeler is he has publicly encouraged the Council to conserve water. He stated that other words of concern are boycott, recall, and clarify positions. He encouraged everyone to attend the EDC meetings.

Mr. Ted Cluff voiced his approval to a private prison stating that mining had always been the top economy in our community, you cannot depend on the mines. He stated that he lives near the current prison and it does its purpose, he asked the Council to do this community a favor and bring economy in.

Mr. Don Meyers stated that he remembers when the current prison was just supposed to be a juvenile detention center. Now it is an adult prison, it had 250 inmates and now holds 500 inmates. He stated that a private prison is not a good idea.

Mr. Jim Moss addressed the Council stating that anyone can speak to Mr. Conto, we have 2,500 acre feet of water from the aquifer in San Carlos, we have water, how do we want to use this, to a prison, or develop new area plan – 100% tax payers funded, millions are taking off profit and lobby was for less industry. Less workers for descent water, as low as they can, turnover exceeds 50% annually. Dangerous prisons, for profit prisons, have you spent hours googling prisons, very negative picture, moral issue, bible aside, state of Israel voted 8-1 to ban prisons in their country. Resolution where does EDC get its funding, from tax payers of Gila County and Globe. Our taxpayers fund EDC. We have the right to come to the representatives to ask you to cease the project. Citizens have ascertained that this is not good for our community. He has offered to everyone to come see the 500 postcards and 2000 signatures collected, Mayor listened, how many people – significant. He is troubled by Councilmembers Casillas and Alderman that unveiled threats, stating that if anyone was threatened, tell me where threats have been, as leader of this “so called gang” do passions run high, they do, careful to stay in bounds of civility, there have been no threats.

Councilwoman Casillas stated that this issue should have been dropped the minute the rfp was dropped by the state.

Barbara Clemo, resident asked why doesn't the Council put this to a vote of the people.

Gila County Supervisor Shirley Dawson addressed the Council stating that private industries can't be blocked, have right to voice opinions, we are a community, there is a silent majority out there that is supportive of a private prison, we support employment, out of state incarceration at higher cost to state.

Earl Christian, resident stated that he has been listening to this issue for almost six months and stated that there may be long term effects with prisoners families moving into town, this prison will not order their supplies in Globe, they will not have all of their employees living in Globe, our schools are varelly performing now, and in Colorado the sewer system cost Colorado over \$100,000 for their prison.

Tim Howard, new resident of Globe has over 20 years correctional experience, he travels everyday to Florence, the prisoners are not treated like slaves, they have

regulatory inspections, there is no more room for prisoners, we need to put them somewhere.

Larry Slate stated that he works for Florence Prison, he appreciates the work that the Council is doing; He worked for the mines and was laid off. He stated that he had always been happy with his employment in Florence.

Motion carried with District 1 and District 4 voting Nay.

- D. Discussion and Consideration of Authorizing the Mayor to Sign a Letter Addressed to Charles Ryan, Director of the Arizona Department of Corrections, Expressing the Support of a Majority of the Mayor and Council of the City of Globe for a Private Prison to be Located in the City of Globe.

Vice Mayor Wilshire stated that she is not in support of sending a letter to Charles Ryan, there is no RFP.

Councilman Alderman stated that this is not a resolution and he supports this. Councilman Wheeler stated that he does not support sending the letter to Charles Ryan.

Vice Mayor Wilshire moved to waive the meeting rules. Seconded by Councilman Baker.

Motion carried.

Vice Mayor Wilshire moved to not send the letter to Charles Ryan. Seconded by Councilman Wheeler.

Jerry McCreary, President of EDC expressed his support that the letter be sent to Mr. Charles Ryan.

Holly Rooney, asked that if this letter is to be sent, reword the letter to state that there is a large majority of people that do not support this.

A Roll Call vote was asked for:

District 1 = Nay, District 2 = Yea, District 3 = Yea, District 4 = Yea, District 5 = Nay, District 6 = Nay.

Mayor Shipley broke the tie voting Nay.

Motion failed

Councilman Alderman moved to accept Item 4D. Seconded by Councilwoman Casillas.

Councilman Alderman moved to amend this motion to include : Authorize the Mayor to sign the letter addressed to Charles Ryan, Director of Arizona Department of Corrections expressing the support of a majority for a private prison to include the wording that a substantial portion of the community are opposed to it. Seconded by Councilwoman Casillas.

A Roll Call Vote was held:

District 1 = Nay, District 2 = Nay, District 3 = Yea, District 4 = Nay, District 5 = Yea, District 6 = Yea.

Mayor Shipley voted to break the tie voting Yea.

Motion carried.

5. ACTION ITEMS

- A. **RESOLUTION NO. 1597** - A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GLOBE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "ARTICLE 8-6, LICENSING OF MEDICAL MARIJUANA RELATED FACILITIES, IN CHAPTER 8, BUSINESS REGULATIONS, OF THE GLOBE CITY CODE. (Kane Graves)

Vice Mayor Wilshire moved to approve Resolution No. 1597. Seconded by Councilwoman Casillas.

Motion carried.

- B. **ORDINANCE NO. 796** - AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GLOBE, ARIZONA, AMENDING CHAPTER 8, BUSINESS REGULATIONS, OF THE GLOBE CITY CODE BY ADDING ARTICLE 8-6, LICENSING OF MEDICAL MARIJUANA-RELATED FACILITIES, AND ADOPTING THAT DOCUMENT ENTITLED "ARTICLE 8-6, LICENSING OF MEDICAL MARIJUANA RELATED FACILITIES, IN CHAPTER 8, BUSINESS REGULATIONS, OF THE GLOBE CITY CODE" BY REFERENCE. (Kane Graves)

Councilwoman Casillas moved to adopt Ordinance No. 796. Seconded by Councilwoman Uhl.

Motion carried.

- C. **RESOLUTION NO. 1599** - A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GLOBE, ARIZONA, ADOPTING A REVISED GENERAL FEE SCHEDULE FOR THE CITY OF GLOBE (Teresa Williams)

Councilwoman Wilshire moved to approve Resolution No. 1599 with the amendment made to add a \$100.00 fee for false alarms. Seconded by Councilman Alderman.

Motion carried unanimously.

- D. **RESOLUTION NO. 1598** - A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GLOBE, ARIZONA, AMENDING CERTAIN SECTIONS OF THE CITY OF GLOBE PERSONNEL RULES AND REGULATIONS 2010, RESCINDING RESOLUTIONS IN CONFLICT THEREWITH AND DECLARING AN EFFECTIVE DATE. (Kane Graves)

Mr. Graves stated that this proposed personnel change would not allow City Employees to be paid for more than 240 hours of vacation upon separation

Vice Mayor Wilshire moved to approve Resolution No. 1598. Seconded by Councilwoman Casillas.

Motion carried.

- E. **RESOLUTION NO. 1600** - A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GLOBE ENCOURAGING COLLABORATION BETWEEN ARIZONA'S CITIES AND TOWNS, THE GOVERNOR AND STATE LEGISLATURE IN DEALING WITH BUDGET ISSUES IN THE 2011 LEGISLATIVE SESSION. (Mayor Shipley / Kane Graves)

Councilman Alderman moved to approve Resolution No. 1600. Seconded by Vice Mayor Wilshire.

Motion carried.

6. CALL TO THE PUBLIC:

Any citizen desiring to speak on a matter that IS NOT scheduled on this agenda may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the City Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the City Council. Pursuant to the Arizona Open Meeting Law, the City Council cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual City Council members may (1) respond to criticism made by those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.

1. Mr. Rick Barela addressed the Council stating that the Council should think about forming a committee to enforce the blight ordinance. He stated that the town is improving dramatically; he recommended that persons cited should first go before the committee verses going directly to court costing the individual a lot of money.

7. SCHEDULING OF MEETINGS:

Scheduling of meetings, which may be brought up at this time.

8. EXECUTIVE SESSION.

Councilwoman Casillas moved to hold an Executive Session. Seconded by Councilman Alderman.

Motion carried. The Council adjourned into Executive Session at 8:34 p.m.

- A. Confidentiality Statement.
- B. Discussion or consultation with the attorney or attorneys of the public body for legal advice or to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, pursuant to A.R.S. Sections 38-431.03(A)(3) and (A)(4)

1. Medical Marijuana Dispensary License Agreement.

2. Recreational Facility and Program.

9 . POST EXECUTIVE SESSION.

Vice Mayor Wilshire moved to reconvene into Regular Session. Seconded by Councilman Alderman.

Motion carried. The Council reconvened at 9:57 p.m.

Consideration of any item on the Executive Session portion of this agenda, which the Council may wish to take action upon in Open Session.

Councilwoman Uhl moved to accept the selection committee's recommendation and to direct the City Manager to provide a Notice of Award for the License Agreement to operate a Medical Marijuana Dispensary to Globe Farmacy and to proceed with the conditional use permit procedures, and that this matter appear on our next agenda for approval of the applicable license agreement and consideration of the conditional use permits. Seconded by Councilwoman Casillas.

Motion carried unanimously.

10. ADJOURNMENT.

Councilman Wheeler moved to adjourn the meeting. Seconded by Councilman Alderman. Motion carried unanimously. The Council adjourned at 10:01 p.m.

SCHEDULED MEETINGS/EVENTS:

REGULAR MEETING February 14, 2011
REGULAR MEETING February 28, 2011
REGULAR MEETING March 14, 2011

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of the City of Globe held on the 24th day of January, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Gina A. Paul, CMC, City Clerk