



**MINUTES OF THE**  
**PUBLIC HEARING**  
**OF THE**  
**BOARD OF DIRECTORS**  
**AVRA VALLEY FIRE DISTRICT**

Meeting Date: Wednesday, February 27, 2013

Meeting Time: 5:00 PM

Location: Station 193 Located at 30300 E. Amber Sunrise, Marana, AZ 85653

*The Avra Valley Fire District Governing Board may vote to go into Executive Session on any agenda item pursuant to A.R.S. section 38-431.03 (A) (3) for consultation and legal advice with the attorney for the District. Pursuant to A.R.S. section 38-431.03, executive sessions are confidential.*

*The order of the Agenda may be altered or changed by the Avra Valley Fire District Governing Board. Copies of the Agenda are available at the district's administrative office located at 15790 W. Silverbell Rd., Marana, AZ 85653.*

*MEMBERS OF THE AVRA VALLEY FIRE DISTRICT WILL ATTEND EITHER IN PERSON OR BY TELEPHONE CONFERENCE CALL.*

*If you require an accommodation or materials in accessible format for this event, please call the Avra Valley Fire District Administration Office at 520-682-3255, at least five business days in advance.*

**AGENDA FOR THIS MEETING IS AS FOLLOWS:**

**1) CALL TO ORDER**

**MEETING CALLED TO ORDER BY CHAIRMAN CASTANEDA JR AT 17:05**

**2) ROLL CALL**

**COMPLETED BY ASSISTANT CHIEF KLEIN, PRESENT WERE:**

- **CHAIRMAN CASTANEDA JR**
- **VICE-CHAIR LASSEN**
- **BOARD CLERK BAUER**
- **DISTRICT ATTORNEY WENCKER BY PHONE**
- **ASSISTANT CHIEF KLEIN**
- **BOARD MEMBER HORCH NOT PRESENT**
- **BOARD MEMBER NEILSON NOT PRESENT**

**QUORUM ESTABLISHED**

### **3) PLEDGE OF ALLEGIANCE**

- 4) CALL TO THE PUBLIC;** - Pursuant to the Arizona Open Meeting Laws, the Fire Board may only discuss matters listed on the agenda. At the conclusion of the call to the public, the Fire Board may respond to criticism made by an individual who has addressed the Fire Board, may ask the Fire Chief to review the matter or to follow up on a matter, or may ask that a matter be placed on a future agenda. However, the Fire Board will not discuss or take action on any matter raised during a call to the public unless the matter is on the agenda.

*If you wish to address the Fire Board, please complete a speaker card (located on table by entrance door) and give it to the Chairperson. Please indicate on the speaker card which agenda item you wish to speak on or what you wish to speak on during the call to the public. The Fire Board may limit the time allocated for each speaker. The Fire Board may decide to hear all speakers during the call to the public or may hear those desiring to speak regarding a specific agenda at a time to coincide with an agenda item.*

**When called to speak, please do the following:**

- State your name and address for the record.
- If speaking on a specific agenda item, limit your discussion to that agenda item.
- Limit your comments to the amount of time allocated by the Fire Board.
- Conduct yourself in a courteous and respectful manner.

- 5) PUBLIC HEARING REGARDING THE PROPOSED ERECTION OF A 100 FOOT TALL COMMUNICATIONS TOWER AT FIRE STATION #193, 30300 E. AMBER SUNRISE, MARANA, AZ 85653**

#### **THIS ITEM MAY BE TAKEN OUT OF ORDER**

**10:00 PUBLIC HEARING REGARDING THE PROPOSED ERECTION OF A 100 FOOT TALL COMMUNICATIONS TOWER AT FIRE STATION #193, 30300 E. AMBER SUNRISE - THE BOARD HAS PREVIOUSLY ACTED ON THIS ITEM AND ZONING AND BUILDING PERMITS HAVE BEEN SUBMITTED TO THE PINAL COUNTY DEVELOPMENT SERVICES DEPARTMENT. PINAL COUNTY REQUIRES THIS ADDITIONAL PUBLIC HEARING SO THAT RESIDENTS HAVE ANOTHER OPPORTUNITY TO MAY MAKE THEIR WISHES KNOWN PRIOR TO FINAL CONSIDERATION BY THE BOARD OF SUPERVISORS. THE AVRA VALLEY FIRE DISTRICT DIRECTORS MAY DIRECT STAFF TO TAKE ADDITIONAL OR ALTERNATIVE ACTION BASED UPON INPUT THAT IS RECEIVED FROM THE MEMBERS OF THE PUBLIC.**

#### **5. A OPEN PUBLIC HEARING**

**MOTION TO OPEN PUBLIC MEETING BY CHAIRMAN CASTANEDA JR AND SECONDED BY VICE CHAIR LASSEN. ALL VOTED YES, NO OPPOSITION**

#### **5. B PUBLIC COMMENT**

**ONE MEMBER FROM THE PUBLIC PRESENT; THOMAS ARMENDANEZ ASKED IF THE PARTY; TRANSWORLD, WOULD HAVE EXCLUSIVE RIGHTS TO USE OF**

THE TOWER. CHIEF KLEIN EXPLAINED THAT TRANSWORLD WOULD BE PROVIDING THE DISTRICT THE TOWER, PUTTING IT UP, AND TURNING OWNERSHIP OF THE TOWER OVER TO THE DISTRICT AND PAYING THE DISTRICT A MONTHLY. DISTRICT ATTORNEY WENCKER CLARIFIED FOR MR. ARMENDANEZ THAT TRANSWORLD WOULD HAVE A LEASE AGREEMENT WITH THE DISTRICT. THAT TRANSWORLD CAME TO THE DISTRICT AND THAT WE DID NOT SEEK TRANSWORLD OUT FOR THE ERECTION OF A TOWER. DISTRICT ATTORNEY WENCKER ALSO EXPLAINED THAT THE AGREEMENT WITH TRANSWORLD IS INDEFINITE, HOWEVER, THERE IS AN OUT CLAUSE FOR BOTH THE DISTRICT AND TRANSWORLD AND THAT THE DISTRICT COULD RENEGOTIATE THE TERMS OF THE AGREEMENT OR TERMINATE THE AGREEMENT WITH PROPER NOTICE TO TRANSWORLD. IF THE DISTRICT TERMINATED THE AGREEMENT, THE DISTRICT WOULD STILL OWN THE TOWER.

MR. ARMENDANEZ HAD NO FURTHER QUESTIONS.

NO ONE ELSE WAS PRESENT FROM THE PUBLIC AND NO OTHER COMMENTS AND OR QUESTIONS WERE RECEIVED FOR THE BOARD.

**5. C CLOSE PUBLIC HEARING**

MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY VICE CHAIR LASSEN AND SECONDED BY CLERK BAUER. ALL VOTED YES, NO OPPOSITION

**Adjournment**

Motion was made by Vice Chair Lassen to Adjourn and seconded by Clerk Bauer. All voted yes, no opposition. Meeting was adjourned at 17:14

Minutes taken by Assistant Chief Ray Klein and completed at 11:28 on 2/28/13

In accordance with the Federal law and the U.S. Department of Agriculture policy, Avra Valley Fire District is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202)720-6382 (TDD).

Signed by:

Sonia Bauer

Date:

3/27/2013