

**CITY OF WILLCOX
MAYOR AND CITY COUNCIL
AGENDA**

Statement of Legal Actions

Monday, February 06, 2012

7:00 p.m.

City Council Chambers

300 W. Rex Allen Drive

Willcox, AZ 85643

(Mayor or Designee will read only **BOLD** print of each agenda item,
except for Public Hearings, Petitions and Communications.)

**Resolution No. 2012- 08
Ordinance NS311**

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1. **CALL TO ORDER** –Vice Mayor Monika Cronberg  called the regular meeting to order on Monday, February 6, 2012 at 7:00 p.m. and thanked all for being here.

2. **ROLL CALL**-City Clerk Cristina Garcia Whelan, CMC, called the roll:

PRESENT

Vice Mayor Monika Cronberg
Councilman Elwood A. Johnson
Councilman Stephen Klump
Councilman Christopher Donahue
Councilman William "Bill" Holloway
Councilman Robert "Bob" Irvin

STAFF

City Manager Pat McCourt
City Attorney Hector M. Figueroa
City Clerk Cristina Garcia Whelan, CMC
Library Director Tom Miner
Public Safety Director Jake Weaver
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Development Services Jeff Stoddard

ABSENT

Mayor Gerald W. Lindsey

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Vice Mayor Cronberg.

4. **CALL TO THE PUBLIC**-There was no response from those present.

5. **DECLARATION ON CONFLICT OF INTEREST**-There was no response from the Vice Mayor, Council members or staff.

ADOPTION OF THE AGENDA-It was moved and seconded to adopt the agenda. It was moved and seconded to amend the motion to consider separately Consent Agenda item #7B relating to appointment to the Planning & Zoning Commission and removing items #19-22 relating to Executive Session. **AMENDED MOTION: Ayes**-Vice Mayor Cronberg, Councilmen Johnson, Klump, Donahue and Holloway **Nays**-Councilman Irvin. **ABSENT:** Mayor Lindsey. **CARRIED. 5-1-1. ORIGINAL MOTION: CARRIED.**

7. **CONSENT AGENDA**

Items that are considered to be routine by the City Council will be enacted by one motion **without** discussion. The consent agenda is a timesaving device and Council members have received documentation on these items for their review prior to the open meeting. Any Councilmember may remove any item from the consent agenda for discussion and a separate vote as deemed necessary. The public may view the documentation relating to the consent agenda 24 hours prior to the meeting at the City Clerk's Office, 101 S. Railroad Avenue, Suite B, Willcox, AZ from 8:30 a.m. to 4:30 p.m. or at the Elsie S. Hogan Library, 100 N. Curtis Avenue during normal working hours Monday-Saturday.

- 7A. THE REGULAR MEETING MINUTES OF MAY 16, 2011; JUNE 20, 2011 AND JANUARY 17, 2012 Tab 1
- 7C. TO ACCEPT THE DONATION(S) TOTALING \$250 FROM SHAWN & LISA BENAVIDES AND MARY KAY CEROVICH TO BE USED BY THE WILLCOX ANIMAL CONTROL FACILITY AS NEEDED. Tab 3

7D. INVESTMENT REPORTS BY FINANCE DEPARTMENT Tab 4
 It was moved and seconded to adopt the Consent Agenda items. **CARRIED.**

Removed from Consent Agenda:

- 7B. APPOINTMENT OF SHARON NIGH TO FILL THE UNEXPIRED TERM VACATED ON THE PLANNING AND ZONING COMMISSION, TERM TO EXPIRE JUNE 30, 2014 Tab 2

It was moved and seconded to table this item. **VOTE: Ayes**-Vice Mayor Cronberg, Councilmen Johnson and Holloway. **Nays**-Councilmen Klump, Donahue and Irvin. **3-3 Motion died.** It was moved and seconded to approve the appointment of Sharon Nigh to fill the unexpired term. **DISCUSSION** was held and motion and seconded to Table. Vice Mayor Cronberg stated table is priority and no second is needed. **VOTE: Ayes**-Vice Mayor Cronberg, Councilmen Johnson, Klump, Donahue and Holloway. **Nays**-Councilman Irvin. **ABSENT:** Mayor Lindsey. **CARRIED. 5-1-1.**

MOTION: Johnson moved to table. 2ND VM vote 3-Ayes 3-Nays. MOTION: SK to approve 2nd Irvin. **DISCUSSION:** Irvin why wanting to remove. VM request  and advertise bec there will be another opening on that Commission very soon. Req came from P&Z Commission. VM need to direct staff to re-advertise. SK has not problem with that and has no problem. Pat providing direction to staff to start advertising. VM presumes that would be the correct. Irvin the second position is not open yet and VM said understands Commission. Holloway can person serve on more than one commission or committee. City Attnry does not recall they can not serve on more than one. MOTION: **EJ table. 2nd Holloway.** VM table is priority. Nays Irvin. 5-1-1. City Attorney Hector Figueroa stated she as Vice Mayor can direct the City Mgr and staff to proceed to seek additional applications. Vice Mayor Cronberg said at this time will make that direction to staff to open it to further interest and seek any other interested parties for the position on Planning & Zoning.  directive >>>>>

8. PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS Tab 5
PUBLIC HEARINGS: Vice Mayor Cronberg announced that the Mayor and Council will hold a public hearing on Monday, February 20, 2012, City Council Chambers, 300 W. Rex Allen Drive, Willcox, AZ regarding the Application for Liquor License Series #06 Quality Inn-Willcox, Person Transfer, Location Transfer, Corporation, Christina Selene Fraser, Harden Motel, Inc., 1100 W. Rex Allen Drive, Willcox, AZ.

COMMUNICATIONS: The Vice Mayor announced there are three (3) candidates running for the March 13, 2012 Primary Election. They are: Earl B. Goolsby, Elwood "Woody" Johnson and William "Bill" Nigh. (There are no write in candidates.)

9. PRESENTATION BY KATHY SMITH OF THE WILLCOX CHAMBER OF COMMERCE AND AGRICULTURE ON THE COCHISE TOURISM COUNCIL Tab 6

Ms. Kahty Smith addressed the Council and here this evening to talk about CCTC. The City of Willcox pays \$96,000/year to be a member. For that they do a lot of marketing for the entire County and Wx ???  Two weeks ago held Strategic Session and not printing the Lands of Legend bec still have 25,000 and looking at other areas. Looking at Social media and thinking take info from book and expand tri-fold map and Visit So AZ and put out of Tucson. Lots of Ad along the sides and heading that way and looking at cost of redoing map and adding those things to it. Biggest bang for City's buck is LuAnne ??? for Co County and spends a lot of time contacting travel writers and bring people in.  during U-pick and had 9-travel writes from Sunset Magazine, Lori??? From Phoenix paper and does the 52 weekends. ??? took them to U-picks, took them downtown, wine tasting room and that evening took them to Coronado and cooked everything they picked that day and served them dinner. June at ??? got article in Sunset Magazine. Came back and did more picking and another article for next Spring. Lori ahs been back several times and family to the Maze and Pumpkin Patch and WX is now one of her favorite places to visit. Last year \$103,310 rec'd in????? Cowboys & Indians is very high quality magazine and we had had a very good mention. Phx paper did wonderful article on Wings Over Willcox. This is her final note for \$9,600 thinks we get a Big Bang for our Buck and urged them to continue funding. Holloway need to keep that gal in Phx happy and FIL calls him about another article and keeps promoting Willcox.

The new billboard off of 340 Exit bright blue AZ Visitor Info and count has gone up since it went up. Thanked Pat McCourt for the idea. Thank You!

10. **DISCUSSION/DECISION REGARDING REQUEST FROM THE FRIENDS OF MARTY ROBBINS TO CLOSE RAILROAD AVENUE FROM MALEY STREET TO STEWART STREET ON SATURDAY, MARCH 3, 2012 FROM 8:00 A.M. TO 5:00 P.M. AND SUNDAY, MARCH 4, 2012 FROM 8:00 A.M. TO 4:00 P.M.** –It was moved and seconded to approve the request from the Friends of Marty Robbins to close Railroad Avenue from Maley Street to Stewart Street on Saturday, March 3, 2012 from 8 a.m. to 5 p.m. and Sunday, March 4, 2012 from 8 a.m. to 4 p.m. **CARRIED.** Tab 7
11. **DISCUSSION/DECISION REGARDING THE REQUEST FROM THE FRIENDS OF MARTY ROBBINS TO WAIVE REQUIREMENTS FOR ALL VENDORS TO HAVE INDIVIDUAL PERMITS**–It was moved and seconded to approve the request from the Friends of Marty Robbins to waive requirements for all vendors to have individual permits. **CARRIED.** Tab 8
12. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-05 APPROVING AND ADOPTING THE TRANSFER OF EXTENSION ONE TO THE EXISTING CABLE TELEVISION LICENSE WITH COXCOM, LLC, (FORMERLY COXCOM, INC.) D/B/A COX COMMUNICATIONS (“COMPANY”) FOR CABLE SERVICE IN THE CITY OF WILLCOX (“MUNICIPALITY”) TO VALLEY CONNECTIONS, LLC, DIRECTING STAFF TO FORMALIZE A NEW AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.**–It was moved and seconded to approve Resolution NO. 2012-05 as presented, relating to CoxCom, LLC, for Cable Service in the City to Valley Connections, LLC. **CARRIED.** Tab 9
- ~~13. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-06 APPROVING AND ADOPTING THE PUBLIC LIBRARY ADVISORY COMMITTEE (“COMMITTEE”) RECOMMENDATION TO NAME THE TWO NEWLY-RENOVATED AREAS OF THE LIBRARY IN HONOR OF TWO PROMINENT LOCAL CITIZENS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** Removed from agenda per motion. Tab 10~~
14. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-07 APPROVING AND ADOPTING THE ARIZONA MUTUAL AID COMPACT (“AZMAC”) BETWEEN THE CITY OF WILLCOX (“CITY”) AND THE ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS [“DEMA”] AND AUTHORIZING THE MAYOR TO EXECUTE THIS THE COMPACT AND DECLARING AN EMERGENCY TO EXIST**–It was moved and seconded to approve Resolution NO. 2012-07, as presented, relating to AZMAC between the City and DEMA. **CARRIED.** Tab 11
15. **DISCUSSION AND DIRECTION TO STAFF ON DIRECT ELECTION OF MAYOR** Tab 12
 City Manager McCourt stated there were questions raised by Council member in November and staff provided information in December along with information from League of Cities.  It is now up on the dais for discussion. The City Clerk was asked to get us more information because information was from December and that information is included in their packets. Vice Mayor Cronberg opened it up for comments, questions or input or direction. Councilman Johnson said since he brought it up he'll begin discussion. He thinks it is a good thing for the City of Willcox to do and elect Mayor. Good point for City and possibly incurs more voter turnout and getting more people involved. Councilman Klump asked is there more cost involved?? And asked if Mayor would run for 2-years. Mr. McCourt replied the Mayor would be elected for 4-years and if the decision by the City Council is to proceed then goes to the Voters and if approved no additional cost for Direct Election of Mayor or extremely minor for filing, probably \$200.00. The short term question he asked the City Clerk if able to put on Primary and she replied “no sir.’ If call election for only direct election of Mayor that would be more expensive. Staff also asked County if we could piggy back and minimize cost. Then in 2-years time for election then any electorate could run for the Mayor’s position and no longer would they chose a Mayor from their ranks. The Direct Election of Mayor does not change duties and not  Vice Mayor Cronberg asked does the question elect Vice Mayor and Pat the Council would still elect the Vice Mayor. Vice Mayor wants to keep moving forward and asked if we would be able to piggy back on a major election such as the one in November. Pat based on info from County on that question the answer is “yes.” Councilman Donahue in regards to this concept is really opposed to this. The reason is whenever you elect a Mayor from Public at Large becomes political tug of war “the Mayor said doing this’ and Council disagrees.....Mayor only one vote out of seven and brings stress to newspaper and community. Does not think we have those kinds of problems in Willcox and >>>>> knocked on every door 4-years ago and was told they don’t vote, others told him there were not able to vote because from Mexico, Canada or Holland. Does not want to see anymore conflict and does not see increase anytime in the future. Councilman Holloway said his thinking is the same as Councilman Donahue and has been here 37 years Mayor elected by Council ???not sure ???to get something done. Understands ??? promising things to people and that happens now and then Council says “no its not legal” and concern about the mechanism. Councilman Klump asked if term is for 2 or 4-years. The City Manager stated it is up to legal counsel and City Attorney Figueroa said he will check that out. Person can’t run for Mayor unless electorate vote is approved and agree for such an action. Vice Mayor Cronberg understands that and at this time looking to put on ballot the Question for

citizens do you want to have direct election of Mayor.  Mr. Figueroa ???other cities have used it and up to Mayor and Council. Vice Mayor said that is here leaning to put it out to electorate..... there may not be much heavy opinion. In her view wants to put it out. Vice Mayor asked if public hearings required. Mr. Figueroa said will be contacting the League of Arizona Cities and Towns to get guidance. Vice Mayor said tonight not action other than direction to staff. Councilman Klump does not see if it helps or hurts. Although he can see problems in neighboring communities where Mayor elected and does not go with the rest of the Council. Holloway wants more  information on the 2 or 4 years. Vice Mayor Cronberg question to electorate and Councilman Klump???? . City Manager replied staff time gathering information and it is Ordinance and same process when do Ordinance and work out 2 or 4 year term. A lot falls on legal attorney to do the leg work????? Councilman Holloway stated there is a sample Ordinance on selection of 2-4 years and they have been given that information in their packets. Councilman Irvin stated he is in favor of leaving it as it is "if it ain't broke, don't fix it." VM statement as general agreement some Council members asked to pursue general information so that they can make decision if this is something they want to work with.

16. DISCUSSION AND DIRECTION TO STAFF BUDGET PREPARATION FOR FY13

Tab 13

Pat at the last mtg questions that provoked more thought and result wrote a memo some questions what are some of the goals preparing budget. City Manager is to present a balanced budget. Listed 10 goals that he used and some contradictory and some??? And that is the nature of a budget. As he understands we are trying to minimize loss of service to the public. See page 2 and list each of the 10. #5 once adopt budget can't spend any more and need unforeseeable emergency>>>>>> 10. Restore reduction in service that have already occurred. This is what he looks at when trying to prepare the budget and they do not mesh and sometimes in conflict. Most of our budgets are in fairly good shape. Two (2) that are not is HURF because State restricts for only certain and Council has said 1% to be put into Streets Operations. And that is maintained separately. We have in that Plan and Fund Deficit and have few projects promised to citizens. In short term able to delay. Larger difficulty is in General Fund where most of services and operations are. Specific Funds set up to do certain things such as Gas Fund, Water, Fund, Sewer Fund and Sanitation. Grants Fund have to be used for that. Police,  everything that is left falls in General Fund. Our revenues currently do not match our expenses. That has been our problem for the past couple of years. Fortunately City has Reserve of one-half million dollars and we have been able to minimize????? As we climb out hope Income exceeds Revenues. In the meantime trying to minimize ????? We have been in deficit for couple Thousand Dollars. Last year thought we would be in balance but had Ele4c Franchise expense and we would have been in balance. This year deficit \$120,000 and does not see any major changes for the rest of the year and that amount should remain the same. If we increase expenditures in General Fund increases that deficit. If we decrease revenue in General Fund going to increase that deficit and move into reserves. Staff looking at trying to maintain level of services the best we can. We have been maintaining vacancies and have 4-person in Library and take Full Time from that mixes you can't provide same level of service to the public. When have a Dispatch position vacant that puts more strain on the remaining Dispatchers. Usually shows up long term problem. When don't fill Detective position in Police Department what happens is a very large loss of service to the public because Detectives are the ones that solve the crimes. City has very high clearance rating because had two (2) Detective who were very capable and solved lots of crimes. If remove one we have loss of services. We are having loss of service t the public, looked at grants and continue to do that. Other costs go up just ad personal costs go up.  What's going on, what are expectations????? Maintain current income sources. Question asked of him is employees have not had a raise in number of yrs and that hurts morale and productivity. That is major concern and has not felt he could recommend raise for personnel. Even if no direct raise our personnel costs will still increase and GF will have additional \$26,000 cost. He is looking for direction and trying to prepare a budget to bring to M&C and they can change what they feel is appropriate to the community and their values. VM thanked Mr. McCourt and asked if Council had any questions, comments or additional assignments. EJ schedule broke down and scheduled for 6-7 work sessions and question if had budget session on opposite regular meeting Monday's to get into discussion instead of just an hour. Pat will schedule them how it suits their schedules. Due to constraints trying to maintain the status quo and do not see ??? but do plan for the utilities. VM thinks she learns a lot more when didn't have the thought of another meeting in her mind. There are times thinks would like to have separate session dedicated for discussion. Generally it is a lot to digest and can't come up with intelligent questions. She would probably welcome sessions not on a regular meeting night. Knows status quo is what it really is. Thinks there is a lot for them to think about and discuss in dept.

17. REPORTS BY THE CITY MANAGER PAT McCOURT

Tab 14

Consideration, discussion, and/or decision regarding the following topics by the City Manager:

- **Report on Voter Registration**-Deadline is February 13, 2012 with Cochise County.
- **Report on City Election** – Primary Election to be held on Tuesday, March 13, 2012.

- **Special Mayor/Manager's Luncheon**-Celebrating Arizona's Centennial, hosted by Cochise County Board of Supervisors', Guest Speaker Becky Orozco, on Tuesday, February 14, 2012. RSVP to City Manager by Monday, February 6, 2012. It will be at the Count House downtown Bisbee.
- **Chamber donation** of \$350.00 toward utilities at Community Center (Apple Festival & WOW) for the General Fund.
- **Aridus Winery** – Beginning renovation and new construction this week at the old Apple building location. Good sign more economic development
- **Sunset Cemetery Tree Planting**-Rotary Club approached City on the donation of trees and 80 Pine trees were planted at Sunset Cemetery.
- **Proposed FY12-13 Budget Calendar**-enclosed is the Budget Calendar for FY12-13. Staff will shift dates on Budget Calendar to meet longer periods of time.
- **SSVEC**-we are a member of Coop and we received Capital Credit in the amount of \$3,690.70 which goes to General Fund.
- **Union Pacific**-awarded another \$5,000 Grant to continue work on the Mascot Car.
- **NCCH**-signed the new agreement, paid them and getting ready to close with HUD.
- **Skate Park-3-**  staff solicited bids for concrete work and awarded that and they should be out working on it and hopefully by Friday will have it done.
- **D-Waste**-there was 4,400 lbs of electronic equipment collected! That saved items from going into landfill.
- **Field 2**-preparing work.

18. COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Irvin stated he was appalled with what was done by a couple of members on the Council. We had citizen wanting to serve and it was removed and is not sure why. Having problems getting citizens to serve????
 Councilman Klump appreciates Mr. Stoddard's work he had a good session on Saturday educational Class on Lead on Certified Renovators or Re-modelers. Mr. Stoddard did a good job getting it lined up otherwise would have had to travel to Phoenix.
 CD budget time and suggested to get plenty of rest, get dinner and bring something cold to drink.
 VM  call from Mayor not happy with himself not feeling well. ????? Wants all to know how he appreciates continuing well wishes??????

Items relating to Executive Session were removed from the agenda per motion.

~~19. DISCUSSION/DECISION ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED _____ Tab 15 STATUTES §38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY~~

~~20. RECESS TO EXECUTIVE SESSION, IF APPROVED~~

~~21. RECONVENE FROM EXECUTIVE SESSION~~

~~22. DISCUSSION/DECISION/DIRECTION TO STAFF REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION~~

23. ADJOURN-7:59 p.m.

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, or the Elsie S. Hogan Community Library during regular business hours Monday-Saturday and on the City's website www.cityofwillcox.org.

NOTE: People with disabilities may request reasonable accommodations. Requests must be made 48 hours prior to the meeting by contacting City Hall at 384-4271 during regular business hours 8:00 a.m. to 4:30 p.m., Monday through Friday.