

**CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA- STATEMENT OF LEGAL ACTIONS
Monday, October 5, 2009**

7:00 p.m.

City Council Chambers

**NOTE NEW LOCATION: 300 W. Rex Allen Drive
Willcox, AZ**

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

**Resolution No. 2009-61
Ordinance NS298**

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, October 05, 2009 at 7:00 p.m.
2. **ROLL CALL** -Mayor Lindsey stated all Council members are present except for Councilman Jimmy Norris who is out of town and Councilman Christopher Donahue is ill.

PRESENT

Mayor Gerald W. Lindsey
Councilman Elwood Johnson
Vice Mayor Larry Schultz
Councilwoman Monika Cronberg
Councilman Stephen Klump

STAFF

City Manager Pat McCourt
City Clerk Cristina G. Whelan, CMC
Public Safety Director Jake Weaver
Public Services & Works Director Dave Bonner
Building Inspector Jeff Stoddard

ABSENT

Councilman Jimmy Norris
Councilman Christopher Donahue

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.
4. **CALL TO THE PUBLIC**-There was no response from the public present.
5. **DECLARATION ON CONFLICT OF INTEREST**-There was no response from the Mayor and Council members present or staff.
6. **ADOPTION OF THE AGENDA**-It was moved and seconded to adopt the agenda as presented with the omission of agenda items 16-17-18-and 19 relating to Executive Session. **CARRIED.**
7. **PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**
Proclamation: Mayor Lindsey announced proclamation retroactively proclaiming September 7-13, 2009 as **NATIONAL PATRIOTISM WEEK**, as requested by the Elks for their project. Presented to Richard Regalado who thanked the Mayor and Council on behalf of the Elk's and stated they care about our Vets and as long as there are Vet's in a Hospital the Elk's will not forget them.

Public Hearing: The Mayor and Council will hold a public hearing at the regular meeting on Monday, October 5, 2009 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive regarding Application for Liquor License Interim Permit, New License, Chad Michael Graves, ZG Enterprises, Corporation, Texaco, 1203 W. Rex Allen Drive, Willcox, AZ.
Mayor Lindsey opened the public hearing at 7:06 p.m. Councilman Johnson said Chad Graves is here and he is the new owner. Mayor Lindsey asked if there was any comment on this application for a Liquor License Permit. Again he asked any comments. Hearing none the Mayor closed the Public Hearing at 7:07 p.m.

8. **DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES HELD ON SEPTEMBER 21, 2009** Tab 3
It was moved and seconded to adopt the regular meeting minutes held on September 21, 2009. **DISCUSSION:**
Councilwoman Cronberg stated to correct spelling of Downing to Downey. **CARRIED.**

9. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-57 APPROVING AND ADOPTING THE INCREASED RATES AND CHARGES DURING SPECIFIC TIMES FOR THE WASTEWATER SYSTEM OF THE CITY OF WILLCOX AND SETTING AN EFFECTIVE DATE (Item tabled 09-21-2009)** Tab 4
It was moved and seconded to revert back to 60,000 gallons per dumping until we get this resolved.

It was moved and seconded to amend the motion to include in the Resolution the increase of 60,000 gallons.
AMENDMENT CARRIED.

ORIGINAL MOTION: Vote-Ayes: Vice Mayor Schultz, Council members Johnson and Klump. **Nays-0-; Absent:** Councilmen Norris and Donahue. **ORIGINAL MOTION CARRIED 4-1-2 Absent-Councilmen Norris and Donahue.**

It was moved and seconded to hold a work session before the next regular council meeting. **CARRIED.**

It was moved to table this agenda item until the next meeting. **CARRIED.**

10. **DISCUSSION/DECISION REGARDING REQUEST FOR APPLICATION FOR LIQUOR LICENSE INTERIM PERMIT, NEW LICENSE, CHAD MICHAEL GRAVES, ZG ENTERPRISES, CORPORATION, TEXACO, 1203 W. REX ALLEN DRIVE, WILLCOX, AZ.** Tab 2
It was moved and seconded to approve the request for Application for Liquor License Interim Permit, New License, Chad Michael Graves, ZG Enterprises, Corporation, Texaco, 1203 W. Rex Allen Drive, Willcox, AZ. **CARRIED.**

11. **DISCUSSION/DECISION REGARDING BUDGET ADJUSTMENT FOR STAFF TRAINING** Tab 5
It was moved and seconded to approve the budget adjustment for staff training on Customer Service and taking necessary funds from that Economic Development line budget. **VOTE: Ayes-Mayor Lindsey, Council members Cronberg and Klump. Nays-Vice Mayor Schultz and Councilman Johnson. CARRIED: 3-2-2 Absent-Councilmen Norris and Donahue.**

12. **DISCUSSION/DIRECTION TO STAFF REGARDING POSSIBLE CITY CODE CHANGES ON A MEATPACKING FACTORY IN THE CITY** Tab 6
Mayor Lindsey directed staff to continue discussion with this company and proceed with looking at revision of the Code to allow this to happen.

13. **DISCUSSION/DECISION REGARDING CONFIRMATION OF A REQUEST FROM REX ALLEN DAYS, INC. THAT, AS EVENT SPONSOR OF REX ALLEN DAYS, REX ALLEN DAYS, INC. BE ALLOWED TO SECURE ONE BUSINESS PERMIT FOR THE EVENT, TO SECURE TAX INFORMATION FROM THE VENDORS, TO PROVIDE VENDOR INFORMATION TO THE CITY, AND TO WAIVE THE REQUIREMENT THAT EACH VENDOR OBTAIN A BUSINESS PERMIT FOR THE EVENT.** Tab 7
It was moved and seconded that the Mayor and Council approve the confirmation of a request from Rex Allen Days, Inc., as stated. **CARRIED.**

14. **REPORTS BY THE CITY MANAGER PAT McCOURT** Tab 8
Consideration, discussion and/or decision regarding the following topics by the City Manager:

- **Report on Fremont Street Project-** Dave Bonner, Public Services & Works Director-work has been completed on the radius on Cochise and Bowie by DeAnda Construction. Today working on cold mix and next step is to go to the alleys between Bisbee, Cochise, Bowie and Arizona and redo entrances to those houses due damage by the pounding of Solid Waste trucks. Then cold mix pat and blend into gutter with a better crown and chip seal next Spring because getting too close to do cold mix. Also will be doing Chip Seal on Ft. Grant Road starting on Friday double chip seal with 1/2" and then 3/8" after that for stronger surface and then on the following Friday stripping in lieu of Federal Government funds. City Manager McCourt stated the cost started at \$30,000 and if we used Federal monies it would cost the City over \$100,000.
- **Report on setting date and time for a Work Session regarding budget and facilities agreements** -Pat McCourt, City Manager –asked if Mayor and Council had dates for staff to look at and particular times they would like to see for

review and time for staff to obtain material. The Finance Director is out-of-town until Friday so this week would be difficult. Mayor Lindsey asked if the members still wanted to do a work session on a Saturday or week night. Councilman Klump stated he is usually out-of-town Tuesday and Wednesday and after 2-weeks evenings will be fine. Councilwoman Cronberg stated if this Saturday we can not have a meeting during the Wine Festival. Mayor Lindsey stated the first Saturday he has open is October 31st. Councilman Johnson said he works Saturdays. Councilman Klump stated that evenings would be best for him. Councilman Johnson said he wants to see the first one on the 19th before the regular meeting.

- Mayor Lindsey directed staff to prepare for a work session on the budget will be held at 5:30 p.m. on Monday, October 19, 2009 before the regular meeting later that evening. City Manager McCourt asked if only looking at the budget and Mayor responded that we need to break these meetings into budget and separate meetings for facilities. Councilman Johnson suggested Wednesday the 14th for a work session on facilities and he thinks need more than one budget work session as it was previously requested by Councilman Norris and Vice Mayor Schultz. Councilman Klump and the Vice Mayor both stated it was okay with them on the 14th. Councilwoman Cronberg also stated we need to keep in mind that another work session is needed for the septage resolution too. Vice Mayor Schultz said also another work session is needed with the volunteer organizations.
- Work Session regarding rates and charges for septic haulers at the Wastewater Treatment Plant will be held on Wednesday, October 14, 2009 at 6:00 p.m. Mayor Lindsey stated that we need another meeting day for volunteers and facilities. Councilwoman Cronberg suggested everyone bring their calendars that evening to look at and set a date. The Mayor directed staff to contact all interested so that they are notified so that they have opportunity to be here also.
- **Report on Non-Profit Status of Rex Allen Days, Inc.** - Pat McCourt, City Manager- question was raised on status of Rex Allen Days, Inc. at the last meeting and staff did check on that prior to putting it on the agenda. He also reported staff had checked on the status for the Rex Allen Arizona Cowboy Museum for the Bingo License. Staff understands concern from the gentleman and he had found information but it was not current. Mayor Lindsey stated that the Council knew that information and knew that at the time of the meeting but it was during Call to the Public and could not reply without inviting discussion.
- **Report on City Energy Audit**-Pat McCourt, City Manager- Came out in good shape and do need more insulation. Councilman Johnson asked when they did that could SSVEC not find what else we could do to save energy such as cut back on lights, unplugging "dragoons" that suck energy. The City Manager mentioned that cell phone charges should be unplugged when not in use and if out of room for long time the lights are out and that is happening at City Hall already.
- **Folks talking about affordable housing**-City Manager McCourt reported that 3-permits have been pulled for affordable housing.
- **Senior Center**- City Manager McCourt met with NCCH and started to work with HUD about the Environmental Study if that is really necessary because cost is over \$30,000.00. Asking HUD because NCCH wants to cover the entire property and staff person at HUD reported that NCCH can do that but it probably won't meet their requirements. Staff will start down that path to get Environmental Study done. Hard to understand spending this money and it is Federal requirement when using Federal monies and staff will proceed.
- **NCCH Grant**- The City Manager also reported that a \$30,000 Grant was approved for the Hospital for Transportation.

15. **COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.**

Councilwoman Cronberg commended the Rex Allen Day's, Inc., Committee members for the work done and also to the Mayor and Council members, City staff and stated she is very appreciative of their time and work.

Councilman Johnson applauded Chief Jake Weaver for having been nominated and receiving the *Favorite Son Award* at the Cowboy Hall of Fame Dinner last Thursday. **APPLAUSE**. He stated that Rex Allen Days was wonderful, very successful and he too thanked everyone. The Councilman also reminded everyone of the Wine Festival this weekend.

Mayor Lindsey stated he too echoes's sentiments on Rex Allen Day's and thought it was a success. At last year's Cowboy Hall of Fame he was bored to tears and this year he had happy tears and lots better. The inductees keep them entertained the whole evening. He knows there is lots of work by the Rex Allen Museum, Rex Allen Day's Inc., and Softball. There was a lot of activity around town and as far as he could tell crowds were up despite the economy being on down turn and lots of people desire applause for taking care of that.

Vice Mayor Schultz stated that Rex Allen Days was a success. The family of Rex Allen, Jr. stated this is the friendliest town they have ever been in. They were very pleased how they were treated and attendance was up from last year. This is event

that keeps growing compared to other places and it couldn't have been done without the good cooperation between the Rex Allen Museum and Rex Allen Days, Inc.

~~16. DISCUSSION/DECISION TO ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED — Tab 9 STATUTES §38.431.03(A)(7) DISCUSSIONS OR CONSULTATIONS WITH DESIGNATED REPRESENTATIVES OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATIONS FOR THE PURCHASE, SALE OR LEASE OF REAL PROPERTY~~
Removed from agenda by motion.

~~17. RECESS TO EXECUTIVE SESSION, IF APPROVED~~

~~18. RECONVENE FROM EXECUTIVE SESSION~~

~~19. DISCUSSION/DECISION REGARDING REAL ESTATE ACQUISITION/DISPOSITION AND DIRECTION TO STAFF ON HOW TO PROCEED~~

~~MOTION: moved real estate acquisition/disposition and direction to staff on how to proceed.~~

~~SECONDED: seconded the motion. DISCUSSION: CARRIED.~~

20. ADJOURN-8:15 p.m.

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.