

**CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA-Statement of Legal Actions
Monday, December 21, 2009
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. 2009-78
Ordinance NS299**

1. **CALL TO ORDER-** Mayor Gerald W. Lindsey called the regular meeting to order on Monday, December 21, 2009 at 7:00 p.m. and welcomed all to tonight's Council meeting and at this time the Mayor had the City Clerk call the Roll.
2. **ROLL CALL** –Mayor Lindsey asked the City Clerk to call the Roll.

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Larry Schultz
Councilman Elwood A. Johnson
Councilman Jimmy Norris
Councilwoman Monika
Councilman Stephen Klump
Councilman Christopher Donahue

STAFF

City Manager Pat McCourt
City Attorney Hector M. Figueroa
City Clerk Cristina G. Whelan, CMC
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Building Inspector Jeff Stoddard

3. **PLEDGE OF ALLEGIANCE TO THE FLAG-**Mayor Lindsey.
4. **CALL TO THE PUBLIC-**The Mayor stated he has a number of persons wishing to speak tonight and thinks most want to speak during the agenda item. Mayor Lindsey stated if those persons want to comment now he invited them to please come up to the microphone and the Council welcomes your comments. He asked Mrs. Laura Ann Bethel if she deferred and she nodded in approval.
4. **DECLARATION ON CONFLICT OF INTEREST-**There was no response from the Mayor, Council members or staff.

ADOPTION OF THE AGENDA-It was moved and seconded to adopt the agenda as presented. **CARRIED.**

7. **PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**

Tab 1

Public Hearings: The Mayor and Council will hold a public hearing on Monday, December 21, 2009, at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive regarding the Application for Liquor License Interim Permit, Person Transfer, Corporation, Susanna Smyer, Agent, Willcox Hometown IGA., 900 W. Rex Allen Drive, Willcox, AZ

All members of the public are invited to attend. For those persons wishing to comment and are unable to attend written comments will be accepted in the Office of the City Clerk until 4:00 p.m. the day of the public hearing.

Mayor opened the public hearing at 7:03 for the application for a Liquor License transfer and asked if anyone would like to comment. (Pause) Again the Mayor asked is there any comments concerning this application. Hearing no comments from the Council members, staff or the public present he closed the public hearing at 7:04 p.m.

8. **DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES HELD ON DECEMBER 7, 2009**

Tab 2

It was moved and seconded to adopt the regular meeting minutes held on December 7, 2009. **CARRIED.**

9. **DISCUSSION/DECISION REGARDING LIQUOR LICENSE INTERIM PERMIT, PERSON TRANSFER, CORPORATION, SUSANNA SMYER, AGENT, WILLCOX HOMETOWN IGA, 900 W. REX ALLEN DRIVE** Tab 1
 It was moved and seconded to approve the Liquor License, as stated, for the Willcox Hometown IGA, 900 W. Rex Allen Drive, Susanna Smyer, Agent. **CARRIED.**
10. **DISCUSSION/DECISION REGARDING RECOMMENDATION FROM AIRPORT AD HOC COMMITTEE** Tab 3
 It was moved and seconded to put together a work session after the first of the year and discuss the recommendations and invite whomever the Committee would like to meet with them and thoroughly review what has come forth from the Committee. Motion was amended and seconded to to accept the recommendations from the Airport Ad Hoc Committee. **AMENDMENT: CARRIED. ORIGINAL MOTION: CARRIED.**
11. **DISCUSSION/DECISION REGARDING THE APPLICATION OF EXTENSION OF PREMISES FOR THE ELK’S LODGE LIQUOR LICENSES SERIES #14 AND #06** Tab 4
 It was moved and seconded to approve the Application of Extension of Premises for the Elk’s Lodge Liquor Licenses Series #14 and #06. **CARRIED.**
12. **DISCUSSION/DECISION REGARDING LETTER TO ARIZONA DEPARTMENT OF TRANSPORTATION REGARDING MOTOR VEHICLE OFFICE IN WILLCOX** Tab 5
 It was moved and seconded to accept the letter written by City Manager and send to ADOT regarding Motor Vehicle Office in Willcox. It was moved and seconded to amend motion to include amended language that this is a place where people register to vote. **AMENDED MOTION: CARRIED. ORIGINAL MOTION: CARRIED.**
13. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-76 APPROVING AND AUTHORIZING TRI-WESTERN MEAT PACKING COMPANY TO ESTABLISH, PROSECUTE AND OPERATE ITS BUSINESS PURSUANT TO CITY CODE, TITLE 5, CHAPTER 1, SECTION 5-1-5; SETTING FORTH EXPRESS CONDITIONS AND DECLARING AN EMERGENCY TO EXIST.** Tab 6
 It was moved and seconded to approve Resolution No. 2009-76, as stated, relating to the proposed Tri-Western Meat Packing Company in the City limits. It was moved and seconded to amend the motion to have a work session on January 4, 2010 prior to the regular Council meeting that evening. **AMENDED MOTION: CARRIED. ORIGINAL MOTION Vote: Ayes –**Council members Johnson, Cronberg and Klump. **Nays-**Mayor Lindsey, Vice Mayor Schultz, Councilmen Norris and Donahue. **MOTION: DIED 3-4.**
14. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-77 APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING [“MOU”] BETWEEN THE CITY OF WILLCOX [“CITY”] ON BEHALF OF THE ELSIE S. HOGAN COMMUNITY LIBRARY [“LIBRARY”] AND COCHISE COUNTY WORKFORCE DEVELOPMENT, INC. [“CCWD”] FOR THE PURPOSE OF ESTABLISHING AN “ACCESS POINT” FOR INDIVIDUALS SEARCHING FOR JOBS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE MOU AND DECLARING AN EMERGENCY TO EXIST** Tab 7
 It was moved and seconded to approve Resolution NO. 2009-77 as stated, relating to the MOU between Library and CCWD for the purpose of establishing an “Access Point” for individuals searching for jobs. **CARRIED.**
15. **REPORTS BY THE CITY MANAGER PAT McCOURT** Tab 8
 Consideration, discussion and/or decision regarding the following topics by the City Manager:
- **Willcox Rotary 50-50 Raffle-** reminder the City Manager has tickets!
 - **Handout on City Managers monitors of General Economy nationally-** and talks about signs of improvements. Arizona called laggard state coming out of recession and still in the future.
 - **Will be absent from City as of Thursday morning and returning Sunday-** Public Services & Works Director Dave Bonner will take care of City Manager questions.
 - **Report on Year End Departmental Summary-**Pat McCourt, City Manager included in packet brief summary from various departments on a lot of things that have been accomplished in the City. Usually we see only problems sitting her and often we forget what has been accomplished. There are several pages that talk about accomplishments and completed within the last 12 months. Mr. Bonner addressed the Mayor and Council and has pictures that might help with visual aids. Public Works includes streets, parks and utilities. Vehicle maintenance is not included because

every vehicle is a project sometimes and have major issues in every division and not delineated in the report. A power point presentation was given on the Public Services and Works Department including sewer, water, gas, streets and parks projects accomplished. Thanked Mayor and Council.

- **Financial Disclosure Statements Due**-For the calendar year 2009 from each Council member through December 31, 2009, in the Office of the City Clerk on or before January 31, 2010.
- **Financial Report**- Ruth Graham, Finance Director- Reported on 5-months of the City's Cash Position as of December 17, 2009:
- the General Fund at \$10,820 deficit revenue versus expenses and it does include a \$100,000 accrual in City Sales Tax to account for a part of a month otherwise we will be reporting two (2) months in June because we are always a month behind i.e. end of August report in September and we get report in October.
- HURF running in deficient of \$58,000 and we have accrued 50% of expenditures for the financing and reporting as we go. Expenses are also running at 40% right now instead of 50% and have been making ever effort to keep that in line.
- Special Revenue up \$9,399
- Debt Service Fund shows deficit of \$70,215 and includes 100% of debt service payment we paid all interest and principal for the year as of December 31st and we have only received half of the revenues. We expect 53% of the tax revenue in and expect the other half after payment in May.
- Capital Improvements Fund spent \$27,940 expenses are completion of this project as well as the Library project from the Bond money that we received previously.
- Gas Utility deficit \$81,442 expenses are more evenly spaced throughout the year while revenues are bunched in winter months and just starting winter months. November was the first one and we anticipate increased revenues through March.
- Water Utility Fund is operating as \$36,654 positive flow or 3.4%.
- Sewer Utility Fund is \$21,216 or 4.6%.
- Refuse/Solid Waste has positive balance \$13,836 and still owns General Fund about \$139,000 and making progress. City Sales Tax at 36% and anticipate another distribution in November of about \$60,000 or about 40% and is currently running below budget. Included the \$100,000 to financials for City Sales which are not reflected here because these are actual cash figures.
- State Sales Tax running lower than anticipated. Project that will ??
- Vehicle License Tax is running higher than expected.
- Urban Revenue Sharing is per month.
- LTAF we are about half way there and figures for every year from State have made the payments slower and slower. Used to be paid in February then April and anticipate this year \$17,000.
- HURF cash revenues to date are at 34% of anticipated and expected 40%. Staff is closing monitoring HURF Funds and reported there has been reduction in income.

City Manager McCourt reported to the Mayor and Council that in November the revenues were coming in below projections. Staff has taken steps internally to reduce operating costs to compensate the revenue short fall. Staff does not see reason to change course at this time and need to address it and staff will continue to monitor.

Happy Hanukah and Merry Christmas!

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

Councilman Norris said this is happy time of year to celebrate Christ's birthday and everyone would like everyone to remember that.

Vice Mayor Schultz received a comment from the Energy Grant people in Phoenix that our Finance Department wrote a grant for the Fire House that was one of the better grant that they had seen in quite a while. Good Job!

Mayor Lindsey reported those that missed the Awards Ceremony for TAG Team last Friday night missed quite a celebration, they did a very good job and they have a lot to be proud of.

Councilman Johnson made note that our Football Team were State Runner-ups which was accomplishment; Presidential Award on *Coming Up Taller* presented to TAG; successful Rex Allen Days, 4th of July Celebration, Wings Over Willcox and looking forward to the next month's Wings Over Willcox and wished everybody Merry Christmas, Happy Holidays and Happy Hanukah.

Councilwoman Cronberg said Blessings of the Seasons to everyone.

17. ADJOURN-9:07 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.