

**CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING**

AGENDA-Statement of Legal Actions

Monday, February 1, 2010

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. 2010-14

Ordinance NS299

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, February 1, 2010 at 7:02 p.m. And welcomed all who stayed from the County meeting we lost some crowd and have new ones present. It is good to have citizens at Council meetings.

2. **ROLL CALL -**

PRESENT

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

STAFF

City Manager Pat McCourt
City Attorney Hector Figueroa
City Clerk Cristina G. Whelan, CMC
Public Safety Director Jake Weaver
Library Director Tom Miner
Public Services & Works Director Dave Bonner
Code Enforcement Jeff Stoddard

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.

4. **CALL TO THE PUBLIC**-Ms. Peggy Judd, representing the All School Reunion Committee and explained why it would be an advantage for the Mayor and Council to approve the waiver of fees for the Community Center. Going to include classes from 1937-2010. Orientation is schedule for Friday at noon, registration, reception and catered dinner on Saturday. There will be activities all day on Saturday and possibly a parade too. On Sunday everyone is on their own to participate on activities throughout town. Ms. Judd invited all that attended Willcox High School to participate.

5. **DECLARATION ON CONFLICT OF INTEREST**-There was no response from the Mayor and 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 Hearing: Mayor Lindsey read that the Mayor and Council will hold a public hearing on Monday, February 15, 2010 regarding the Application for Liquor License Series #13 Domestic Farm Winery, Hammelman Wines, LLC, Sand –Reckoner Vineyards, Robert Michael Hammelman, 130 S. Haskell Avenue, 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.

8. **DISCUSSION/DECISION REGARDING THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 21, 2009 AND THE SPECIAL MEETING HELD ON JANUARY 19, 2010-** Mayor Lindsey asked the Council members not to consider the minutes of January 19 they are incomplete at this time. It was moved and seconded to approve the minutes of the regular meeting held on December 21, 2009 **CARRIED.** Tab 2
9. **DISCUSSION/DECISION REGARDING MONETARY GIFT FOR WILLCOX DEPARTMENT OF PUBLIC SAFETY FROM JBR PROPERTIES, LLC FOR THE PURCHASE OF DNA DATABASE COLLECTION KITS** Tab 3
It was moved and seconded to accept monetary gift for WDPS from JBR Properties, LLC for the purchase of DNA Database Collection Kits. **CARRIED.** Mayor Lindsey instructed City employees to prepare letter to Mr. Riggs and thank him for this gift and our appreciation. Chief Weaver stated he has the letter in the works should the Mayor and Council approve this tonight.
10. **DISCUSSION/DIRECTION TO STAFF REGARDING EMPLOYEE HANDBOOK SECTION 303 HOLIDAYS** Tab 4
City Manager McCourt included in agenda packet a short discussion of the Employee Handbook adopted in 2007 relating to Section 203. Also included memo sent to staff with questions on this section. The City Manager is asking the Mayor and Council to consider in the Employee Handbook - Holidays for City Employees and questioning Christmas Eve half day and Christmas Day December 25th and New Year's Eve half day and New Year's Day January 1st. Normally there is no question on how this works. In 2010 Christmas Eve is observed on Friday and Christmas Day is on Saturday. Employee Handbook provides Holiday pay for Christmas Day which is the Friday before which is Christmas Eve and same with New Year's Eve and New Year's D. He thinks this perhaps not considered when developed handbook. Staff is looking to clarify that the Mayor and Council meant to do that or should Section be revised. The Mayor thinks we need to revise the policy and also look at Holiday situation that requires employees have to be in work status day before or after the Holiday in order to take benefit of Holiday.

City Manager McCourt was directed to bring back suggested language to clarify the policy. And there is one area which is quite clear about being working status day before or day after and he will bring back suggested language for review by the Mayor and Council.
11. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-12 APPROVING AND ADOPTING THE CONTRACT BETWEEN THE CITY OF WILLCOX ["CITY"] AND VALLEY TELECOM GROUP, INC. ["VTG"] TO PERFORM TECHNICAL SERVICES RELATED TO THE COMPUTER NETWORK; THE TELEPHONE KEY SYSTEM; AND SUPPORT PROCEDURES PURSUANT TO THE SCOPE OF WORK AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST** Tab 5
It was moved and seconded to approve Resolution NO. 2010-12, as stated relating to the agreement between the City and Valley Telecom Group, Inc. (VTG), as written. **CARRIED.**
12. **PRESENTATION OF DONATION FROM THE WILLCOX ROTARY FOR THE 4TH OF JULY FIREWORKS** Tab 6
Mr. Justin Allred, Rotary Club President, stated the Rotary Club held a 50-50 drawing and winner gets 50% and the other 50% is donated to the City's 4th of July Fireworks. It is more difficult to put the 4th of July fireworks display than he thought and gives a lot of credit to City Manager Pat McCourt who sold the most tickets. The drawing was held last Thursday and the winner was Ms. Dina Ellis. She and the City both received checks in the amount of \$2,640.00. Mr. Allred hopes it will do a lot of good toward funding the Fireworks and hopes to do another raffle on a regular basis. He presented the checks to the Mayor (Ms. Ellis was not present) for the donation from the Willcox Rotary for the 4th of July Fireworks. **THANK YOU! APPLAUSE.**
13. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-13), APPROVING AND ACCEPTING THE DELEGATION AGREEMENT #06-082 ("DA") BETWEEN THE CITY AND THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY ("ADEQ") FOR THE PURPOSE OF DELEGATING A LOCAL ENVIRONMENTAL AGENCY ("LA"), AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** Tab 7
It was moved and seconded to approve Resolution No. 2010-13, as stated relating to accepting the Delegation Agreement #06-082 ("DA") between the City and ADEQ for the purpose of Delegating a Local Environmental Agency ("LA"), as presented. **CARRIED.**

14. DISCUSSION/DECISION REGARDING APPROVAL TO MOVE APPROPRIATION FROM ONE GENERAL FUND DEPARTMENT TO ANOTHER **Tab 8**

It was moved and seconded to approve as recommended by Mr. McCourt to move appropriations from one General Fund Department to another. **CARRIED.**

15. DISCUSSION/DECISION REGARDING REQUEST FROM BRYANT RIDGWAY THAT THE FEES BE WAIVED FOR THE USE OF THE COMMUNITY CENTER TO HOLD AN ALL CLASS HIGH SCHOOL REUNION ON FRIDAY, AUGUST 6, 2010 AND SATURDAY, AUGUST 7, 2010 **Tab 9**

It was moved and seconded that the request from Bryant Ridgway that the fees be waived for the use of the Community Center to hold an All Class High School Reunion on Friday, August 6, 2010 and Saturday, August 7, 2010. **CARRIED.**

16. REPORTS BY THE CITY MANAGER PAT McCOURT **Tab 10**

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

- **Report on Library Renovation-** Tom Miner, Library Director –presented and handout with photos of highlights of Library Renovations made over the past few weeks. Work continues in a rapid pace and encouraged all to drop in to the Library and see first hand the work that is being done. Vice Mayor Schultz has taken advantage of that invitation. The Library did have minor change orders although it does not increase the cost of the project. Councilwoman Cronberg asked what the best time of day is for a tour. Mr. Miner explained that generally it is “organized chaos” from 6:00 a.m. until the contractors leave. They work around the contractors and was just notified that they won't be back until Wednesday so any time would be good.
- **State Legislature** –The City Manager reported the State Legislature is meeting and we have not met the deadline to submit bills. That is the bad news. Those submitted so far none are going after the State Shared Revenues and that is positive. A short one sheet was placed on daises about economic forecasting and these are National numbers and the 4th Quarter 5.7 increase in Gross Domestic Product. Now 2nd Quarter and can see that and people saying things are getting a little better.
- **Letter from ADOT concerning Vehicle Licensing**-staff received late this afternoon a letter from ADOT. This is in response to our letter about closure of local office.
- **Report on Continuing Extended Hours at City Hall**-Pat McCourt, City Manager- staff wanted to extend our business hours at City Hall. Last couple months opening at 7:00 a.m. by shifting staff scheduling. When short call staff from up or down stairs to cover the front desk. Seems to be working well and more public use that hour to do business.
- **Budget Work Session-** Pat McCourt, City Manager, Budget Income Work Session has been scheduled for Monday, February 15, 2010 at 6:00 p.m. Staff would like to talk about the format how budget is laid out. Also discuss projected incomes for next year.
- **2010 Donation of Services & Space Agreement**-Pat McCourt, City Manager- 2010 Census beginning March 19-April 19, 2010 staff has approved the use of the Community Meeting Room for only 15 hours/week. We are providing space for a Questionnaire Assistance Center (QAC) for those persons requesting assistance in completing their 2010 Census questionnaire. Space will be provided in this building.
- **Follow up on information requested by Councilman Johnson**-Pat McCourt, City Manager review information requested by Councilman Johnson regarding FY 09-10 Budget. Information in packet is staff response. The first is reduction and broken by General Fund and Highway Users Fund. It is listed by account number. General Government Admin reduced by \$11,938.00 and broken out by Fund. The second page on Account 15 which is the Street Fund and those are the reductions made by staff. This is to offset revenue shortfalls experiencing back in October and feel projection are the same. The next is response to question about positions within the City and if filled or not being filled. For all funds we have a part time vacated position in Public Works Administration since September and it has not been filled. Parks Department vacated couple positions and we did fill those because Parks only has four (4) people in that department. Those were back in the summer. If we didn't fill we would not have any people to work on the parks. Building & Grounds had one and filled. Streets Department two (2) positions were filled and third position was filled although we downgraded skill levels and pay on that position. The fourth position in the Streets is still vacant. Public Safety has Dispatcher positions that was vacated in August and is unfilled and plan to hold unfilled at this time. The one (1) Library Clerk position in the Library was filled. Development Services Code Enforcement position was vacated in January and plan is to remain unfilled. The third item is regarding the Travel & Training Expenses by Department showing expenses through the end of January.

Breakdown 10-402 is the City Council; 10-401 is General Government Administration and 2700 is the actual line item.

Councilman Norris regarding Motor Vehicle Department asked if need a meeting to get some decisions made. City Manager replied that according to letter sent by email they indicated this office will close February 12 which is prior to the next Mayor and Council regular meeting. They do offer 3-options in response letter: Option 1-kiosk system made available to the public to do things on computer; Option 2-third party vendor and indicated they do not think there is enough business to support that and thought the City might have to supplement; and Option 3-if space made available they would staff the space two (2) days per week. The City Manager thinks that the Council might want to ask them to combine two of those offers and put the kiosk in same space that the office people could work out of and have services available 5-days per week and depending where put the kiosk could have licensing personal come down and handle operations that could not be handle with the kiosk or open 7-days. Two (2) days have licensing personnel to come down and handle operations that could not be done with kiosk. That is up to the Council. Councilman Norris thinks we need to do something and hold special meeting or asked if could direct City Manager to do it. The City Manager thinks the Council could direct staff to find appropriate date for special meeting sooner rather than later. Vice Mayor Schultz said there has been another offer for a location if they decide to do it from the Hospital if we decide to go with Option 3 and kiosk. Councilman Norris suggests holding a meeting as soon as we can because it is a vital service we need for the community. Mayor Lindsey agrees it is important and need to schedule a special meeting. City Attorney Figueroa stated "nodding of the heads" can not be considered as consensus and we do not want interpretation of that. If someone will direct or instruct City Staff to come up with a date or if someone says we want a meeting Friday then staff to come up with date i.e. someone says wants to have a meeting Friday it can be done and staff will go ahead and get it done. Councilman Norris directed staff to set a meeting as soon as possible. Councilwoman Cronberg has meetings on Tuesday and Wednesday this week.

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

Councilman Norris thanked the Airport Committee, everyone's comments and appreciates all the hard work.

Vice Mayor Schultz wants to see a work session on behalf of Strategic Plan and want Mark Frederickson, University of Arizona, to make presentation and get the money we need from the Stimulus Money.

Mayor Lindsey presented Councilman Johnson with his 5-years service. **APPLAUSE.**

Councilman Johnson said it has been a privilege and honor to serve the citizens of Willcox on behalf of the City Council and thanked them for support and will continue to do the work so elected to do. Thank You.

Councilwoman Cronberg congratulated Councilman Johnson and the Airport Ad Hoc Committee for an outstanding job and very professional report they put together for them to work from. Lots of hard work and they have been at it for almost a year and may not want to be on another committee for strategic planning but we can talk about that. Councilwoman Cronberg stated she appreciates all of that work and the input from the public. It is nice that people are concerned and willing to speak up.

18. ADJOURN-7:55 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.