

**CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING
STATEMENT OF LEGAL ACTIONS
AGENDA**

Monday, April 5, 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. 2010-36
Ordinance NS299**

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order at 7:00 p.m. on Monday, April 5, 2010.
2. **ROLL CALL** –City Clerk Cristina G. Whelan, CMC, called the roll:

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Larry N. 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 M. Figueroa
City Clerk Cristina G. Whelan, CMC
Public Safety Director Jake Weaver
Library Director Tom Miner
Finance Director Ruth Graham
Public Works Director Dave Bonner

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey
4. **CALL TO THE PUBLIC**-Ms. Ms. Vikki McBee addressed the Mayor and Council regarding the Airport. She received misinformation that the Airport issue was on the agenda tonight. Ms. McBee stated she has spent 33 years as Air Traffic Controller. After talking to several people and at the County she now has more questions concerning the City acquiring the Airport.
5. **DECLARATION ON CONFLICT OF INTEREST**- Councilman Norris declared Conflict of Interest on agenda items numbered 28 & 31 relating to the City Attorney who is his personal lawyer. Councilwoman Cronberg recuse from agenda items numbered 11,12 &13 relating to the waiver of fess for the Elementary School Science Fair and the Wine Festival items.

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

7 PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Proclamation: Mayor Lindsey read and proclaimed April as ***Fair Housing Month***

Tab 1

Public Hearing: The Mayor announced the Mayor and Council will hold a public hearing on Monday, April 5, 2010 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, regarding New Liquor License, RRS, LLC, Ricardo Romero-El Ranchero 2 at 308 S. Haskell Avenue, Willcox, AZ. **Tab 2**

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 Lindsey opened the public hearing regarding New Liquor License at 7:12 p.m. The Mayor asked if anyone would like to comment on this item. Again he asked any comments. Hearing none Mayor Lindsey closed the public hearing at 7:13 p.m.

8. **DISCUSSION/DECISION REGARDING THE MINUTES OF THE WORK SESSION MEETING HELD ON MARCH 15, 2010 AND THE REGULAR MEETINGS HELD ON MARCH 1, AND 15, 2010-** It was moved and seconded to adopt the minutes of the work session meeting held on March 15, 2010 and the regular meetings held on March 1, and 15, 2010. **CARRIED.** (Note couple of typographical errors to correct.) **Tab 3**

9. **DISCUSSION/DECISION REGARDING REQUEST FOR A NEW LIQUOR LICENSE BY RRS, LLC. RICARDO ROMERO-EL RANCHERO 2, AT 308 S. HASKELL AVENUE-**It was moved and seconded to approve the request for a new liquor license by RRS, LLC, Ricardo Romero-El Ranchero 2, at 308 S. Haskell Avenue. **CARRIED.** **Tab 2**

10. **DISCUSSION/DECISION TO RATIFY THE APPROVAL FOR CARNIVAL AT KEILLER PARK HELD ON MARCH 29 THROUGH APRIL 5, 2010-**It was moved and seconded to ratify the approval for Carnival at Keiller Park held on March 29-April 5, 2010. **CARRIED.** **Tab 4**

11. **DISCUSSION/DECISION REGARDING WAIVER OF FEES FOR THE ELEMENTARY SCHOOL SCIENCE FAIR** **Tab 5**
It was moved and seconded to approve the waiver of fees for the Elementary School Science Fair. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Norris, Klump and Donahue. **Nays-None. Abstained:** Councilwoman Cronberg. **CARRIED 6-0-1.**

12. **DISCUSSION/DECISION REGARDING THE WILLCOX WINE COUNTRY COMMITTEE/ROD KEELING REQUEST TO WAIVE REQUIREMENT FOR ALL VENDORS TO HAVE INDIVIDUAL PERMITS-**It was moved and seconded to approve the request from the Willcox Wine Country Committee/Rod Keeling to waive requirement for all vendors to have individual permits. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Norris, Klump and Donahue. **Nays-None. Abstained:** Councilwoman Cronberg. **CARRIED 6-0-1.** **Tab 6**

13. **DISCUSSION/DECISION REGARDING REQUEST FOR SPECIAL EVENTS WINE FESTIVAL-ROD KEELING AND WAIVER FOR GLASS AND BOTTLES IN RAILROAD PARK-**It was moved and seconded to approve the special events Wine Festival as requested by Mr. Keeling and waiver for glass and bottles in Railroad Park. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Norris, Klump and Donahue. **Nays-None. Abstained:** Councilwoman Cronberg. **CARRIED 6-0-1.** **Tab 7**

14. **DISCUSSION/DECISION REGARDING CAPITAL PURCHASE OF FIRE HOSE TO REPLACE OLDER OUTDATED HOSE, AND MEET NFPA STANDARDS-**It was moved and seconded to approve the Capital Purchase of Fire Hose to replace older outdated Hose, and meet NFPA Standards. **CARRIED.** **Tab 8**

15. **DISCUSSION/DECISION REGARDING PARTICIPATION IN THE NEWLY ELECTED OFFICIALS TRAINING ON JUNE 4-5, 2010-**It was moved and seconded to approve that the newly elected officials attend the Newly Elected Officials Training on June 4-5, 2010. **CARRIED.** **Tab 9**

16. **DISCUSSION/DECISION REGARDING THE DRINKING FOUNTAIN FOR RAILROAD PARK IMPROVEMENTS** **Tab 10**
It was moved and seconded to approve the drinking fountain for Railroad Park Improvements to MDF in the amount of \$3,565 with description 2002 SM historical fountain. **CARRIED.**

17. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-27 FOR THE PURPOSE OF APPROVING THE APPOINTMENT OF TREVOR J. WARD TO THE JUDICIAL POSITION OF CITY MAGISTRATE AND JUVENILE HEARING OFFICER, APPROVING THE JUDICIAL SERVICES AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE JUDICIAL SERVICES AGREEMENT AND DECLARING AN EMERGENCY TO EXIST** **Tab 11**
It was moved and seconded to adopt Resolution NO. 2010-27, as presented, relating to the appointment of Trevor J. Ward Judicial position of City Magistrate and Juvenile Hearing Officer. **CARRIED.**

18. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-28 APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING (“MOU”) BETWEEN THE WILLCOX DEPARTMENT OF PUBLIC SAFETY (“WDPS”) AND THE ARIZONA DEPARTMENT OF PUBLIC SAFETY (“ADPS”) FOR THE ARIZONA INTERAGENCY RADIO SYSTEM STATE PLAN, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN** **Tab 12**

EMERGENCY TO EXIST.-It was moved and seconded to adopt Resolution No. 2010-28, as presented relating to the MOU between the WDPS and ADPS for the Arizona Interagency Radio System State Plan. **CARRIED.**

19. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-29 APPROVING AND AWARDING THE BID CONTRACT TO EMPLOYEE SOLUTIONS GROUP (“ESG”) PURSUANT TO THE RFP BID FOR SPECIFIC EMPLOYEE INSURANCE BENEFITS PLAN AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**-It was moved and seconded to to adopt Resolution NO. 2010-29, as presented, relating to awarding the bid contract to ESG. **CARRIED.** Tab 13

20. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-30 FOR THE PURPOSE OF APPROVING AND ADOPTING THE REVISION TO SECTION 516 [CELLULAR (CELL) PHONE USAGE] OF THE WILLCOX EMPLOYEE HANDBOOK, ESTABLISHING THE EFFECTIVE DATE AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** -It was moved and seconded to adopt Resolution No. 2010-30, as stated relating to Approving and Adopting the Revision to Section 516 [Cellular (Cell) Phone Usage]. It was moved and seconded to table this item. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Norris, Cronberg and Donahue. **Nays-**Councilman Klump. **CARRIED 6-1.** Tab 14

21. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-31 APPROVING AND ADOPTING THE ELSIE S. HOGAN COMMUNITY LIBRARY [“LIBRARY”] REVISED INTERNET/ WIRELESS/ COMPUTER USE POLICY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** It was moved and seconded to adopt Resolution NO. 2010-31, as presented, relating to Approving and Adopting the Library Revised Internet/Wireless/Computer Use Policy. **CARRIED.** Tab 15

22. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-32 APPROVING AND ADOPTING THE ELSIE S. HOGAN COMMUNITY LIBRARY [“LIBRARY”] MEETING ROOM POLICY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**-It was moved and seconded to adopt Resolution No. 2010-32, as presented relating to the Library Meeting Room Policy. **CARRIED.** Tab 16

23. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-33 AUTHORIZING AND APPROVING THE AWARD OF CONTRACT TO HINTON BURDICK HALL & SPILKER, PLLC [“HINTON BURDICK”] FOR AUDIT SERVICES FOR FY2009-2010 ANNUAL AUDITED FINANCIAL STATEMENTS AND SINGLE AUDIT [IF REQUIRED] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**-It was moved and seconded to adopt Resolution No. 2010-33, as stated relating to award contract to Hinton Burdick for Audit Services for FY2009-2010. **CARRIED.** Tab 17

24. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-34 APPROVING AND ADOPTING THE AMENDED COURT CONSOLIDATION AGREEMENT BETWEEN THE CITY OF WILLCOX [“CITY”] AND COCHISE COUNTY [“COUNTY”] FOR FY 2010- 2011, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.**-It was moved and seconded to adopt Resolution No. 2010-34, as presented relating to the Amended Court Consolidated Agreement. **CARRIED.** Tab 18

25. **DISCUSSION/DIRECTION ON APPLICATION TO WIFA FOR FUNDING FINAL ENGINEERING AND DESIGN FOR WWTP** Tab 19
City Manager McCourt reported this item is from discussion on the Waste Water Treatment Plant (WWTP) and improvements that are necessary. Staff has been working with Water Infrastructure Finance Authority (WIFA) to see about funding the necessary improvements. One Preliminary Engineering study was done and now doing second study and analyzing alternative solutions. It has been suggested funding in cycles and that City if it wants to see about securing detailed Engineer Design done we can apply in this current funding cycle. What is being proposed is interest only loan and at current rate under 1%. What would occur when it comes to actually funding the improvement and the cost of engineering would be built into project and come out of this particular loan? Mr. McCourt asked if the Mayor and Council want staff to pursue seeking funding. Staff does not know engineering or design costs at this time. The application gets the paperwork moving and we can move forward when those decisions are made. It is a loan.

Councilman Johnson asked if this would affect our bond rating. Mr. McCourt replied it will affect our rating and ultimately will be secured by rates in sewer. Councilman Johnson asked if USDA would loan us money or grant. Mr. McCourt explained we do not have construction funding lined up and it looks like USDA if secured could be a combination of loan and grant. Councilman Johnson also asked if USDA funding in jeopardy over the next couple of years with Federal monies and City Manager replied they have indicated it is not.

Councilman Norris asked if staff is looking at other options besides a lagoon type system. City Manager McCourt replied at this time study being done by Tetra Tech and we will be reviewing 5-alternatives. And staff is reviewing those 5-alternatives. They all have pros and cons and all have different outputs too while the effluent coming out. Once we have that information it will be brought back to Mayor and Council to review and for decision.

Councilman Johnson stated he thinks this is a necessity and need to move forward with it. The WWTP is in dire need. Directed staff to bring back resolution to the Council and maybe some questions can be answered next time. Councilman Norris asked if this funding could be used for any one of the 5-alternatives. City Manager McCourt replied it has not been decided and this funding can be used after decision made on the alternative the City wants to pursue. Councilwoman Cronberg asked what is identified as the source of the repayment fund. City Manager replied sewer fees.

Mayor Lindsey asked where are we at with the current grant used to start the Engineering. Public Services & Works Director Dave Bonner replied that Tetra Tech expected to have report at next meeting. Also help in answering questions. Exercise done last week on non-monetary type of issue related to each one of those alternatives i.e. best water quality of these 5-options is the oxidation ditch. Staff looked at Benson's Plant which is 7-years old and able to produce quality water, permits for B and able to produce quality water and B was adequate to be used on golf course. Councilman Johnson asked Mr. Bonner if he followed up with information from Councilman Norris. Mr. Bonner replied that is part of the package plan for consideration. Councilman Johnson said it was priced higher. Mr. Bonner said total cost \$12,488,000 and the capital cost \$1,747,000.00. Councilman Norris said that is different from what he was told. Mayor Lindsey said he thinks we need to move forward and wished better if grant than having to borrow. City Manager McCourt stated resolution to move forward will be brought on the Council and the application for this loan at the next meeting April 19th.

26. REPORTS BY THE CITY MANAGER PAT McCOURT

Tab 20

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

- **Request approval travel to Chattanooga, TN**-Pat McCourt, City Manager, request approval to travel to Chattanooga, TN and will be gone from the City beginning April 28-May 2, 2010.
- **Report on Generator**-Pat McCourt, City Manager, after further review this generator purchase has been cancelled. Staff detected error on bid and cancelled and started over again.
- **Set date and time for Joint Work Session**-Pat McCourt, City Manager, set date and time for a Joint Work Session with Planning & Zoning Commission regarding revisions to Title 17 and Infill Incentive Program. Items to discuss 1. Revisions to Title 17 and the other Infill Incentive Program. Pat suggested Thursday evenings on every other because working on budgets. Wednesday is church night could go to Mondays but already have meetings on those. MC rather Mondays at regular meeting times. Ej asked if we could wait until after April 15th. Pat if acceptable then staff will coordinate for Monday meetings and start schedule budget meetings. ML wants meeting on the 26th and Pat more expensive budget meetings or a couple hours. HF mtgs here twice a month and his mtgs on opposite months has to be in South Tucson. ML asked for direction. SK Mondays are fine for him if have part of budget before regular meeting. Asked if work session could be held at 6:00 p.m. and staff will contact P&Z and start after the 15th.
- **Report LTAF**-Pat McCourt, report on LTAF Funds for Streets (unless discussed in Budget Work Session earlier)
- **Sale of City Property**-Pat McCourt, City Manager, advertised in the local newspaper, City bulletin boards, web site, several public places, and City newsletter of the Sale of City Property. Bid packets can be obtained from the City Clerk's office, Development Services office and on the web. All bids are due Friday, May 28, 2010 at 3:00 p.m. in the Office of the City Clerk.
- **Report on City Hall sign improvements**-Pat McCourt, City Manager report on City Hall sign improvements.
- **Report on the Public Safety Complex Sign bids**-Pat McCourt, City Manager report the results of the PS Complex Sign bids. Old sign has been removed on Maley.
- **Report on Fremont Street Improvements**-Pat McCourt, City Manager report on the Fremont Street Improvements. It was terrible and fixed drainage, gutters, patch and put down cold mix and not done yet. Need to do chip seal.

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

Councilman Johnson has located a new business in town and had individual ask him to bring a billboard sign and it is in the back of the room.

Mayor Lindsey stated he is happy to have Kempton Motors operating in our community.

28. DISCUSSION/DECISION TO ENTER INTO AN EXECUTIVE SESSION A.R.S. §38-431.03A(1) Tab 21

DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DEMOTION, DISMISSAL, SALARIES, DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY, EXCEPT THAT, WITH THE EXCEPTION OF SALARY DISCUSSIONS, AN OFFICER, APPOINTEE OR EMPLOYEE MAY DEMAND THAT SUCH DISCUSSION OR CONSIDERATION OCCUR AT A PUBLIC MEETING. THE PUBLIC BODY SHALL PROVIDE THE OFFICER, APPOINTEE OR EMPLOYEE WITH SUCH NOTICE OF THE EXECUTIVE SESSION AS IS APPROPRIATE BUT NOT LESS THAN TWENTY-FOUR HOURS FOR THE OFFICER, APPOINTEE OR EMPLOYEE TO DETERMINE WHETHER SUCH DISCUSSION OR CONSIDERATION SHOULD OCCUR AT A PUBLIC MEETING.-It was moved and seconded to enter into an Executive Session pursuant to ARS 38-431.03A(1), as stated, relating to City Attorney Contract. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Cronberg, Klump and Donahue. **Nays-None. Abstained Conflict:** Councilman Norris. **CARRIED 6-0-1.**

29. RECESS TO EXECUTIVE SESSION IF APPROVED-TIME: 8:11 p.m. (Note: Councilman Norris left the meeting due to declared Conflict of Interest.

30. RECONVENE FROM EXECUTIVE SESSION- TIME: 8:50 p.m.

31. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-35 FOR THE PURPOSE OF APPROVING AND ADOPTING THE LEGAL SERVICES CONTRACT WITH HECTOR M. FIGUEROA, DBA HECTOR M. FIGUEROA & ASSOCIATES (“CONTRACTOR”) TO PROVIDE CITY ATTORNEY LEGAL SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST. -It was moved and seconded to adopt Resolution No. 2010-35, as amended, relating to the City Attorney Contract. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Cronberg, Klump and Donahue. **Nays-None. Abstained Conflict:** Councilman Norris. **CARRIED 6-0-1.**

City Attorney Figueroa will amend resolution and agreement tomorrow for signatures.

32. ADJOURN.8:52 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.