

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

Monday, May 17, 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. 2010-54
Ordinance NS299

1. **CALL TO ORDER** by Mayor Lindsey at **6:05 pm** – Welcomed all visitors.

2. **ROLL CALL recording secretary Sherry Van Allen**

PRESENT

Mayor Gerald W. Lindsey
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
Recording Secretary Sherry Van Allen
Public Safety Director Jake Weaver
Library Director Tom Miner
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Development Services Jeff Stoddard

ABSENT

Vice Mayor Larry N. Schultz

3. **PLEDGE OF ALLEGIANCE TO THE FLAG** lead by Mayor Lindsey

4. **CALL TO THE PUBLIC** - None

5. **DECLARATION ON CONFLICT OF INTEREST** -

Councilman Klump declared a conflict on agenda item #16 relating to request funding for the Centennial Committee Display.

6. **ADOPTION OF THE AGENDA**

It was moved and seconded to accept the agenda as presented **CARRIED**

7. **DISCUSSION/DECISION ENTER EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES § 38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY**

City Attorney Figueroa addressed the assembly regarding the executive session clause being added as a regular agenda item. He explained that if at anytime, any listed agenda item is subject to any member of the Council requesting to go into executive session to obtain legal advice. A motion and second must be made and properly carried through.

8. **RECESS TO EXECUTIVE SESSION, IF APPROVED**

9. **RECONVENE FROM EXECUTIVE SESSION**

10. **CONSENT AGENDA**

Consent Agenda information was explained to Council members, staff and the public by City Attorney Hector M. Figueroa. Consent agenda will appear on all future agendas.

Point of clarification: the Mayor or the City Attorney will act as parliamentarian. Additional point of clarification was made stating this meeting the Consent Agenda items have been separated into two (2) separate items due to ratification.

Consent Agenda items: City Attorney Figueroa explained the following

DISCUSSION/DECISION REGARDING PRESENTED AT THE MAY 3, 2010 COUNCIL MEETING THE AGENDA ITEMS AND MINUTES FOR THE MEETING OF APRIL 19, 2010 APPROVING AND AUTHORIZING RATIFICATION OF SAME WITH NOTICE TO THE PUBLIC OF SAID RATIFICATION TOGETHER WITH A DESCRIPTION OF THE ACTION TO BE RATIFIED, THIS IS A CLEAR STATEMENT THAT THE PUBLIC BODY PROPOSES TO RATIFY A PRIOR ACTION AND THE PUBLIC MAY OBTAIN A DETAILED WRITTEN DESCRIPTION OF THE ACTION TO BE RATIFIED AS SPECIFIED BELOW FROM THE CITY CLERK, RATIFIED AS 10A THROUGH 10F:

- 10A. THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 19, 2010**
- 10B. RESOLUTION NO. 2010-36 RATIFYING, APPROVING AND AUTHORIZING A LETTER OF SUPPORT FOR THE COCHISE COUNTY ARIZONA CENTENNIAL COMMITTEE'S APPLICATIONS FOR ARIZONA CENTENNIAL 2012 LEGACY PROJECT AND EVENTS DESIGNATIONS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**
- 10C. RESOLUTION NO. 2010-42 APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE 2010 RURAL AND VOLUNTEER FIRE ASSISTANCE GRANT PROGRAM FOR FUNDS TO BE USED FOR WILDLAND FIRE-FIGHTING TRAINING AND PURCHASING FIREFIGHTER PROTECTIVE EQUIPMENT, DIRECTING CITY OFFICIALS TO SUBMIT APPLICATION DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.**
- 10D. RESOLUTION NO. 2010-43 APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TOHONO O'DHOM NATION ("NATION") PURSUANT TO A.R.S. 5-601-02 12% GAMING DISTRIBUTION, DIRECTING CITY OFFICIALS TO SUBMIT APPLICATION DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.**
- 10E. RESOLUTION NO. 2010-46 APPROVING AND AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR A TRANSPORTATION ENHANCEMENT GRANT (TEG) FOR THE CONSTRUCTION OF SIDEWALKS AND ADA CORNER RAMPS ON ARIZONA AVENUE, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**
- 10F. RESOLUTION NO. 2010-47 APPROVING AND AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FOR THE REPLACEMENT OF SIGNS IN ACCORDANCE WITH NEW MANUAL SIGN STANDARD, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

It was moved and seconded to ratify the minutes and the consent agenda items presented at the May 3, 2010, council meeting as stated above in items numbered 10A-10F. **CARRIED.**

Consent Agenda items:

- 11A. REX ALLEN DAYS PARADE STREET CLOSURE ON SATURDAY, OCTOBER 3, 2010**
- 11B. REX ALLEN DAYS CARNIVAL AT KEILLER PARK FROM TUESDAY, SEPTEMBER 29 THROUGH MONDAY, OCTOBER 5, 2010**
- 11C. STREET CLOSURE FROM RAILROAD AVENUE FROM GRANT STREET TO MALEY STREET, FROM MALEY STREET TO STEWART STREET, STEWART STREET FROM THE ALLEY BETWEEN HASKELL AVENUE AND RAILROAD AVENUE AND THE INTERSECTION OF RAILROAD AVENUE AND STEWART STREET FOR THE 4TH ANNUAL WILLCOX CLASSIC CAR SHOW ON SATURDAY MAY 29, 2010 6:00 A.M. THROUGH 6:00 P.M.**

- 11D. **RESOLUTION NO. 2010-53 APPROVING AND ADOPTING THE DESIGNATION OF ALTERNATE LOCATIONS FOR REGULAR, SPECIAL COUNCIL MEETINGS AND WORK SESSIONS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**
- 11E. **DISCUSSION/DECISION REGARDING THE MINUTES OF THE WORK SESSION MEETINGS HELD ON APRIL 5, 2010**
- 11E concludes the Consent Agenda items for May 17, 2010.
It was moved and seconded to approve consent agenda items 11A - 11E as presented. **CARRIED**
12. **DISCUSSION/DECISION REGARDING REQUEST FROM REX ALLEN DAYS (RAD) FOR WAIVER OF FEES AT QUAIL DRIVE SPORTS PARK RODEO GROUNDS ON SEPTEMBER 30, 2010 THROUGH OCTOBER 3, 2010**
It was moved and seconded to approve the request from RAD for waiver of fees at Quail Drive Sports Park Rodeo Grounds on September 30, 2010 through October 3, 2010. **CARRIED**
13. **DISCUSSION/DECISION REGARDING THE REQUEST FROM REX ALLEN DAYS INC. FOR A SPECIAL EVENTS LIQUOR LICENSE AT QUAIL PARK ARENA ON OCTOBER 2 AND 3, 2010 DURING THE REX ALLEN DAYS RODEO**
It was moved and seconded to approve the request from RAD Inc., for a Special Events Liquor License at Quail Park Arena on October 2 & 3, 2010 during the RAD Rodeo. **CARRIED**
14. **DISCUSSION/DECISION REGARDING REQUEST INDIVIDUAL PERMITS WAIVED FOR ALL VENDORS AT KEILLER PARK DURING REX ALLEN DAYS BEGINNING THURSDAY, SEPTEMBER 30, 2010 THROUGH SUNDAY, OCTOBER 3, 2010**
It was moved and seconded to approve the request from RAD Inc., for the request that the individual permits waived for all vendors at Keiller Park during RAD beginning Thursday, September 30, 2010 through Sunday, October 3, 2010. **CARRIED**
15. **DISCUSSION/DECISION REGARDING RAILROAD TELEPHONE BOOTH DONATION**
It was moved and seconded to approve the donation of a Railroad Telephone Booth to be placed at Railroad Park. **CARRIED.**
16. **DISCUSSION/DECISION REGARDING FUNDING REQUESTED FOR THE COCHISE COUNTY ARIZONA CENTENNIAL COMMITTEE DISPLAY – Conflict declared by Councilman Steven Klump**
It was moved and seconded to approve the funding request for the Cochise County Arizona Centennial Committee Display in the amount of \$1,350.00. **VOTE: Ayes-**Mayor Lindsey, Council members Johnson, Norris, Cronberg and Donahue. **Nays-0- Absent:** Vice Mayor Schultz. **Declared Conflict:** Councilman Klump. **CARRIED. 5-0-1-1.**
17. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-49 APPROVING AND ADOPTING THE LEASE AGREEMENT BETWEEN THE CITY OF WILLCOX [“LANDLORD”] AND CLEAR CHANNEL OUTDOOR, INC., A DELAWARE CORPORATION [“TENANT”] FOR THE PURPOSE OF LEASING CITY OWNED PROPERTY FOR A BILLBOARD SPACE, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE LEASE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.**
It was moved and seconded to approve the request regarding Resolution No. 2010-49, as stated, relating to the Lease Agreement with Clear Channel Outdoor, Inc. for the purpose of leasing City owned property for a Billboard Space. **CARRIED**
18. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-50 APPROVING AND ADOPTING THE LEASE AGREEMENT BETWEEN THE CITY OF WILLCOX [“LANDLORD”] AND CLEAR CHANNEL OUTDOOR, INC., A DELAWARE CORPORATION [“TENANT”] FOR THE PURPOSE OF LEASING CITY OWNED PROPERTY FOR A BILLBOARD SPACE, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE LEASE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.**
It was moved and seconded to approve the request regarding Resolution No. 2010-50, as stated, relating to the Lease Agreement between the City and Clear Channel Outdoor, Inc. for the purpose of leasing City owned property for a Billboard Space. **CARRIED.**

19. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-51 APPROVING AND ADOPTING THE SERVICE AGREEMENT WITH SMARTSCHOOLS, INC., AN ARIZONA CORPORATION D/B/A SMARTWORKSPPLUS [“PROVIDER”] FOR CONTRACT EMPLOYEE LEASING SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.

It was moved and seconded to approve the request regarding Resolution No. 2010-51, as stated, relating to Service Agreement with Smartschools, Inc. for Contract Employee Leasing Services. **CARRIED**

20. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-52 APPROVING AND ADOPTING THE AMENDMENT TO THE SERVICE AGREEMENT WITH SMARTSCHOOLS, INC., AN ARIZONA CORPORATION D/B/A SMARTWORKSPPLUS [“PROVIDER”] FOR THE PURPOSE OF PLACING THE CITY MANAGER AS A CONTRACT PROVIDER EMPLOYEE WITH THE CITY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST

IT WAS MOVED AND SECONDED TO ENTER INTO TO EXECUTIVE SESSION CARRIED.

RECESSED INTO EXECUTIVE SESSION AT 7:52 P.M.

RECONVENED FROM EXECUTIVE SESSION AT 8:14 P.M.

It was moved and seconded to revisit item #19 for the purpose of clarification discussion only – CARRIED

Sandee McClelland, president of *smartworksplus Inc.*, addressed the Council clarifying the requirements for eligible retirees to enter into contract negotiations with *smartworksplus Inc.*,

It was moved and seconded to table the request regarding Resolution No. 2010-52, as stated, relating to Amendment to the Service Agreement with Smartschools, Inc. for the purpose of placing the City Manager as a Contract Provider Employee with the City. **CARRIED.**

21. REPORTS BY THE CITY MANAGER PAT McCOURT

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

- **Report on Use of Personal Cell Phone** -Pat McCourt, City Manager, announced a list of City issued phones has been provided in the council packets.
- **Sale of City Property**- City Manager McCourt announced bid packets can be obtained from the City Clerk's office, Development Services office and on the web for the sale of City property. All bids are due Friday, May 28, 2010 at 3:00 p.m. in the Office of the City Clerk.
- **City Manager Out-of-State**- City Manager McCourt announced he will be out-of-state from May 20th thru May 27th, He clarified he will be back in the Office on May 28th
- **Council Packets on web**- City Manager McCourt announced that staff plans to have the council packets on the City's web site available to staff and the public effective the first meeting in July 2010.
- **Report on Informational Fair**- City Manager McCourt reported on the Informational Fair held on Wednesday, May 5, 2010. It was a successful event and several census forms were completed and turned in.
- **Report on Electronic Recycling**- City Manager McCourt reported on behalf of Dave Bonner, PS&W Director that electronic recycling was held on Saturday, May 15th. The City collected eight pallets of electronic items.
- **Proposition 100 Election May 18, 2010** City Manager McCourt announced that the County-wide Proposition 100 Election will be held on May 18, 2010 in the City Council Chambers, 300 W. Rex Allen Drive. Polls Open at 6:00 a.m. until 7:00 p.m.
- **Run For The Wall**- City Manager McCourt announced on behalf of Chief Jake Weaver that “Run for the Wall” will be held on Thursday, May 20, 2010. Lunch and ceremony at the Elk's Lodge, 247 E. Stewart Street, they are accepting donations contact Pat Stark 520.384.2131.
- **Employee Benefits Meeting**- City Manager McCourt reported the Employee Benefits Meeting will be held on Thursday, May 20, 2010 at 6:30 p.m., City Council Chambers (spouse is welcomed to attend). Discuss insurance with Employees
- **CHANGE: Special Meeting on Thursday, June 3, 2010 for Swear In Ceremony**- City Manager McCourt announced that the Oath of Office for the 4-elected Council members will be on Thursday, June 3, 2010 at 6:00 p.m. City Council Chambers.

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

Councilman Johnson reported a successful Historical & Wine festival.
Mayor Lindsey – Congratulated to the Girls Softball for winning State.
Councilman Norris – Thanked everyone for allowing him to serve the people of Willcox.

23. ADJOURN. The Mayor adjourned the meeting at 8:41 pm.

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, Willcox, AZ or the Elsie S. Hogan Library during regular business hours Monday-Saturday.

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.