

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 21ST DAY OF JUNE 2010**

WELCOME NEW COUNCIL MEMBERS!

CALL TO ORDER- Mayor Gerald W. Lindsey called the regular meeting to order on Monday, June 21, 2010 at 7:04 p.m. and welcomed all here. This evening the Council will be hearing from some citizens in the audience and invited them to join us often.

ROLL CALL –City Clerk Cristina G. Whelan, CMC, called the roll:

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Monika Cronberg
Councilman Elwood A. Johnson
Councilman Stephen Klump
Councilman Christopher Donahue
Councilman William Holloway
Councilman Robert Irvin

STAFF

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

ABSENT

Councilman Stephen Klump

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey

CALL TO THE PUBLIC-

Mr. Don Ulises stated as a member of the Planning & Zoning Commission he is here tonight in case something comes up in agenda.

Mayor Lindsey asked if anyone else is here tonight for Call to the Public. There was no further response.

DECLARATION ON CONFLICT OF INTEREST-

Councilman Irvin declared Conflict of Interest on Agenda #14 relating to the Planning & Zoning Commission denial to rezone property and Mayor Lindsey declared Conflict of Interest on Agenda items #19 relating to the WASA Contract and #21 relating to SEAGO.

ADOPTION OF THE AGENDA

MOTION: Councilman Johnson moved to adopt the agenda, as presented.

SECONDED: Councilman Holloway seconded the motion. **CARRIED.**

**~~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~~**

(This item was not acted upon during the course of this meeting.)

RECESS TO EXECUTIVE SESSION, IF APPROVED

RECONVENE FROM EXECUTIVE SESSION

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Public Hearing: Mayor Lindsey announced that the Mayor and Council will hold a public hearing on Tuesday, July 6, 2010 at 7:00 p.m., 300 W. Rex Allen Drive regarding the Interim Permit, Probate/Will Assignment/Divorce Decree, Series 07 Liquor License at Big Tex Bar-B-Que, Jeffery Lee Willey, 130 E. Maley Street, Willcox, AZ

All members of the public are invited to attend. For those persons wishing to comment and are unable to attend a written statement will be accepted in the Office of the City Clerk, 101 S. Railroad Avenue, Willcox, AZ, until 4:00 p.m. the day of the public

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hearing.

CONSENT AGENDA

Items that are considered to be routine by the City Council will be enacted by one motion without discussion. The consent agenda is a timesaving device and Council members have received documentation on these items for their review prior to the open meeting. Any Councilmember may remove any item from the consent agenda for discussion and a separate vote as deemed necessary. The public may view the documentation relating to the consent agenda 24 hours prior to the meeting at the City Clerk's Office, 101 S. Railroad Avenue, Suite B, Willcox, AZ from 8:30 a.m. to 4:30 p.m. or at the Elsie S. Hogan Library, 100 N. Curtis Avenue during normal working hours Monday-Saturday.

11A. MINUTES OF THE SPECIAL MEETING HELD ON JUNE 3, 2010

11B. RESOLUTION NO. 2010-64 APPROVING AND ADOPTING THE FY 2010-2011 AGREEMENT BETWEEN THE CITY OF WILLCOX ["CITY"] AND THE SOUTHEASTERN ARIZONA COMMUNITY ACTION PROGRAM, INC, ["SEACAP"] AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST

MOTION: Vice Mayor Cronberg moved to adopt the consent agenda items as presented.

SECONDED: Councilman Irvin seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING THE BILLBOARD CONTENT

MOTION: Councilman Johnson moved to direct staff ideas presented and bring back at the next Council meeting plans.

SECONDED: Councilman Holloway seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING JOE MIKE CLEM REQUEST FEES WAIVED FOR THE QUAIL PARK ARENA ON JUNE 10-11, 2010

Councilman Johnson asked "how was that rodeo?" Ms. Delcie Schultz responded "didn't know it was happening until it was over." Councilman Irvin stated that it seems they are setting a trend and second time this item has come up.

MOTION: Councilman Holloway moved to deny Mr. Clem's request for waiver of fees for the Quail Park Arena on June 10-11, 2011.

SECONDED: Vice Mayor Cronberg seconded the motion. **DISCUSSION:** Mayor Lindsey wanted to know why they are receiving request for waiver of fees now instead of prior to the event. City Manager Pat McCourt explained staff did not get the request in time for the last agenda. Vice Mayor Cronberg stated she thinks what Councilman Irvin brought up was that we seem to be getting a lot of these request and if paperwork is not coming in a timely fashion should not even be allowed. And we should have to review policy. Councilman Irvin stated seems we are setting a trend this is the second time it has come up after the event took place and then the request is on the agenda at the next Council meeting. If they are just slow in getting their paperwork in "somebody needs to get on the ball and see that it is taken care of before the event does take place." Councilman Johnson stated the event title Fund Raising Roping and saw no other information on what type of funds it was for and was it profit or non-profit. Public Services & Works Director Dave Bonner replied this is all the information they had. **CARRIED.**

DISCUSSION/DECISION REGARDING THE PLANNING & ZONING COMMISSION'S DENIAL OF REZONE REQUEST

MOTION: Councilman Johnson moved to approve (uphold) the Planning & Zoning Commission's denial on the rezone request.

SECONDED: Councilman Holloway seconded the motion. Mayor Lindsey clarified that this is motion to deny and uphold the decision made by the Planning & Zoning Commission. **DISCUSSION:** Dr. Edward Robinson addressed the Mayor and Council and wrote a brief letter to them explaining their position. When they originally filed a grant for Affordable Housing they spoke with basically all the City Council members and asked them if they would oppose the rezoning the corner of Rex Allen and Arizona to build affordable housing. Stated that four (4) of the Council members encouraged them to go ahead and in good faith they bought that land to develop affordable housing. They have taken it to the members of the Zoning Commission and they have denied that request. Coming here today with those reasons to ask the Council to overturn that recommendation and put it before the public and let them make that decision. They have a lot of people who want to move in there and build a home. Homes would be for those people that qualify who make \$20-\$28,000 year and to be able to be home owners. People talked to said that land has been vacant for as long as they can remember. Dr. Robinson does not understand why the Zoning Commission would want to keep a parcel that is not being developed and there is no impetus for it to be developed against

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someone who wants to develop that property. The Zoning Commission is asking the Mayor and Council to deny that recommendation and schedule a public hearing. Vice Mayor Cronberg stated one of the questions she had has been clarified in that he has in fact acquired those lots. The Vice Mayor stated she thinks she was probably one of the Council members he spoke with and honestly does not remember the rezoning verbiage coming into their conversation. And based on the knowledge she had at the time they spoke she did not understand it be Zoned Commercial and thought they were dealing with one of the "R's" one of the Residential Zones. After doing her own research the reason she thinks it needs to be maintained as Commercial Zone, CC-1, is that whereas we might not have been doing a good job of trying to recruit business into this area she thinks they are doing a much better job now. Also there isn't a lot of prime Commercial real estate available within the City limits that they could in fact put forth. The Vice Mayor thinks there is a lot of availability of housing areas in the City that she thinks should be promoted first. And that is her reason. Dr. Robinson said he thinks he can understand that, however, the Council should understand the position of Old Pueblo Community Service they invested substantial amount on that property and have no intention to develop it as commercial property. In reality what the Council considers prime commercial property will never be developed. They do not want to develop it. They felt they entered into this agreement with City in good faith because they brought \$810,000 in grants to the table to build affordable housing on the assumption that land would be available and now it is not. Vice Mayor Cronberg stated she does not think they agreed and Dr. Robinson said 'understanding' agreement is the wrong term. Old Pueblo Community Service feels like, and he agrees, they paid \$150,000 for that parcel which is equivalent to what they would pay for 10 pieces of land right now. Dr. Robinson suggested that in the best interest of the City that they let the City decide which is to incorporate a public meeting and let everyone have their say. Because at that point in time the Council needs to hear from the people that will have the most benefit which is those people that can buy the houses. Councilman Holloway stated his understanding you are "threatening" and Dr. Robinson said "No, sir." And Councilman Holloway said he used the word "understand" if that property is not rezoned and thinks poor choice on their part to buy anything that was zoned one way on the hope that maybe it would change and Dr. Robinson "wholeheartedly agreed." Councilman Holloway thinks little a little offensive and threat although does not think that is reality. If someone wants to give you \$180,000 they are going to dump it and also understands that is not Dr. Robinson's choice. Dr. Robinson only represents them and they asked him to convene that.

Mayor Lindsey stated as look at zoning it is classified as CC-1 which is probably one of the highest and best use for that property. The fact that they paid \$150,000 for it would bear that out that it is Commercial property and has Commercial potential. Dr. Robinson stated no argument and understands mistake was made and trying to rectify that mistake. That mistake was made because they were anxious to get in here and build. Dr. Robinson acted on their behalf and acquired the land on their behalf and now "caught between a rock and hard place."

Councilman Johnson clarified process that they are asking Council to deny what "P&Z" said and open this up to public hearing. Once public hearing takes place, ultimately comes back to Mayor and Council to make that decision once they hear what they have to say and P&Z to hear pros and cons. He thinks that is fair and values the opinions of the Planning & Zoning Commission decision and "put cart before the horse" and what would be fair would be to allow public hearing and Council still has to make final decision whether it is tonight or 6-weeks from tonight. They are not going to do anything with the property at this point and Dr. Robinson replied "obviously not."

Vice Mayor Cronberg asked if any information from the Planning & Zoning Commission. Mr. Ulses, Planning & Zoning Commissioner, thinks that was summed up and the only piece of commercial property from Arizona Avenue to the Freeway. Thinking about the Hospital's and their plans for a new facility there is going to need offices and that is the place. We do not need 2-story homes there to look at their neighbor's backyard and that too was under consideration in their decision. Mr. James Fusco, Chairman of Planning & Zoning Commission, rezoned at the time they could saw trend going toward interstate and felt City needed good commercial property. Sometimes they get people come in that want to buy property contingent on zoning request. That is usually the way it works. Personally felt trend was there 10 years ago and a value to the City and its citizens. There is a lot of residential property available. Vice Mayor Cronberg asked if any thought on having a public hearing. Mr. Fusco replied no problem and it is a business decision. Long term decision for the City overall is Commercial. That is business decision and there are a lot of places in town to build houses and not much commercial property and on Haskell Avenue it is dying and does not know what we are going to do to revitalize that and the interstate area is growing. That was their thought. Vice Mayor Cronberg asked the Mayor to restate motion so that she knows what she is voting for? Mayor Lindsey said the motion was to uphold the decision of the Planning & Zoning Commission that the zoning be denied. **VOTE: Ayes: Mayor**

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Lindsey, Vice Mayor Cronberg, Councilmen Klump, Donahue, and Holloway. **Nay's:** Councilman Johnson. **Abstained:** Councilman Irvin. **CARRIED: 5-1-1 - request failed.**

DISCUSSION/DECISION REGARDING TO SUSPEND GUNFIGHT PERMIT FOR ONE (1) WEEKEND

MOTION: Councilman Johnson moved to suspend Gunfight Permit for one (1) weekend.

SECONDED: Vice Mayor Cronberg seconded the motion. **DISCUSSION:** City Manager McCourt stated the staff report has a couple mistakes. Wrote October 3rd and should be October 2nd and later wrote October 1st and should be October 2nd and asked if permissible to state the date on suspension in the motion. Marshall Bo Downey addressed the Mayor and Council and stated they have the two (2) suspensions in the Gunfight permit and used one (1) suspension during the Car Show. Read a prepared statement and asked the question is why are we considering canceling Willcox's weekly western entertainment on our most important western celebration day of the year Rex Allen Days? It has taken a year to find and train a good caliber of people of local talent to polish and refine the group as a whole. Had to let go of a lot of people this past year and it has been challenging. However, he has been blessed with a cast and many other professional people and now has 18 dedicated members. The name "Marshall Bo Gunslingers of the West" is now a registered actor's organization in Arizona for Willcox. They were invited to the last Wyatt Earp Days in Tombstone to represent Willcox and were recognized as one of the best among 12 groups from around the United States. They are invited to go in October to Helldorado Days and will be representing Willcox's Western Heritage. They plan to participate in events during week days or Sunday so that they can keep the weekly Saturday commitment in Willcox. Tombstone is impressed that Willcox has weekly entertainment. Original show is 30 minutes and new one used in Tombstone is a short 15 minutes and very powerful. Now they can do a 20 minute and can do any one of the shows for the time frame. Last Saturday it was 100 degrees at show time at 2:00 p.m. and 14 actors showed up and counted over 50 people waiting for the show. Mr. Downey is asking for the fans as well as actors to show up in any weather to perform on Saturdays. They have been working hard and they have been waiting all year to perform on the biggest day during Rex Allen Day's. There must be a 20 minute window for this show.

Councilman Johnson thanked him and his show every Saturday and asked if they were offered to do the show on Friday. Mr. Downey explained they had a meager offer at 10 a.m. Friday and problem is all his people are working at the Hospital and Saturday is the only day. Councilman Johnson asked if had Sunday offered and Mr. Downey said he did not get that offer. Mr. Downey said he was a member of that California group that is coming and does not know why there can't be a place somewhere their group can also perform. Councilman Johnson stated this is the first request coming to Council for "no gunfight." Mr. Downey explained the last no gunfight day was during the Car Show which was done verbally through Michelle Mullins and he. After that it was "vocalized" to Mr. McCourt. Councilman Johnson said it did not come to the Council for Aye or Nay. Mr. Downey said he did not understand he had to do that. City Manager McCourt explained Council's selection on no gunfight days. Never requirement it is option to perform or not to perform on specified times, and location and Council's prerogative to do suspension. Mayor Lindsey stated it seems to be varied opinions on why and why not and wants to hear more of why not in this particular case.

Ms. Dulcie Schultz addressed the Mayor and Council and stated this year she has turned everything on Railroad Avenue to Julie Ann Reams who is Special Events Producer from California. Ms. Reams is also second cousin to Rex Allen and has a real interest. Ms. Reams is the one setting up all of the entertainment downtown, Windmill Park and Movie Theater. This is the 59th year for Rex Allen Days. And the fact that they can bring someone of Ms. Reams' caliber and caliber of others that are coming here just to help us do this. They have a limited time frame and Ms. Reams sent Mr. Bo Downey an email asking him to not do it on Saturday because with Parade starts at 10 a.m. to usually about 12 p.m. and gives them a 6-hour time frame. Once they get acts going on Windmill Park and if take a 20-30 minute break for something to happen away from that area they will lose audience. The people do not come back. Everything is setup and going to run from 12 p.m. to 6:00 p.m. and only breaks to get people on and off the stage. The fact getting caliber to do this and it is not costing them a dime. Ms. Reams has offered Mr. Downey to do opening on Friday and understands most of his people have other jobs and did offer him all of Sunday. Mr. Downey said he did not receive that email. City Attorney Hector Figueroa stated that we can not have discussion with members of the audience. Mayor Lindsey asked if something happening that would prohibit the gunfight from taking place during that particular time. Ms. Schultz stated when you have music, people doing specific acts and entertainment on stage and if have gunshots in the streets it disrupts what is happening in there and distracts the audience. Plus along Railroad Avenue having 8-10 Sister's on the Fly trailers on the street and people can come in and go through their trailers and take pictures. Mayor asked if occupying all the space and Ms. Schultz replied they will be occupying it all day Friday and all day on Saturday after the Parade. Mayor Lindsey asked if it was possible to

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have gunfight after the parade. Ms. Schultz stated the shows start at 12 p.m. and have a 6-hour window and that was the whole point. They have done Rex Allen Days for 59 years and the last 4-years "they have worked our tails off" to get everything happening downtown to make people want to come to this town, to spend their money, they've increased the attendance and what they are doing now is a total revamp of what has been done the last 11 years. It is going to be all totally new acts and all new entertainment and thinks if going to tell someone that does this as profession that "we're sorry that you're just going to have to figure out how to do this and pull your audience back together" she is going to tell us "you can go straight to heck" because she is not going to bother with it.

Mayor Lindsey stated there seems to be a huge difference of opinion and its one of those things that it looks to him that there ought to be room for everyone. Ms. Schultz suggested that the Mayor contact Ms. Reams and "work it out with her." If Ms. Schultz tells her they can not do all that she has planned and all the people planned on coming here to keep things going downtown. Mr. Larry Schultz said "when you have special events promoter coming in to promote shows" or any show and you turn around and tell specialist she has to adapt to something that is already going on. Especially events promoter has to have control over their own event promoting. Scheduling has to be done through them. There has been lack of cooperation and its demand 'no, we are going to do it at this time, we've always done it' and no flexibility. His point is the special events promoter needs to promote the events and schedule and promote events. They are trying to change things and grow things. Opening Friday Rex Allen Days and talking with Ms. Reams he does not know if she contacted them (Downey) but the offer when he heard it. It is sad distraction and Sisters pulling in with buggies right after the parade and if stop everything then going to have destruction of everything. Special events promoter need to be able to control and schedule. Gentleman (in audience not identified) said he has been involved 44 years with Rex Allen Day's and have locals involved for years. If have someone coming to tell us how to run our show and how it is going to be run you have local people involved and donating their time and as City you're going to tell us "you're big dogs and that's the way it is." Ms. Schultz stated maybe Ms. Reams is outsider because she lives in California although she is part of the Allen family and has taken a vested interest of the town because it is part of her heritage. Ms. Reams hopes to grow this event and she's not a total outsider coming in without any interest in it at all and this is 3rd year she has helped them. Mr. Downey stated it is a shame it causes this much trouble. He can put together a 15 minute show and is very familiar with Ms. Ream and knows her from California and Ms. Ream was on his broadcast of *Marshall Bo Show* and stated "I had to tell you this, I didn't want to go there, and I can tell you this is personal and that is a problem and it is a shame."

Councilman Irvin stated everyone has said do this in the afternoon and being associated with the parade for a number of years do not know why can not have the gunfight between 9-10 a.m. when people are starting to come into the Parade area. The Councilman does not what know events are scheduled with Ms. Ream from 9-10 for the 15-30 minutes or what ever happens to be. He thinks there would be window during that time period and forgets the afternoon if time is all taken up. Vice Mayor Cronberg agrees and asked why it had to be after the parade. Thinks meets the needs of local group to provide entertainment and good venue for it because have people getting ready to watch the parade and get them setup. Ms. Schultz does not think Ms. Reams would have problem before the parade. The problem was Mr. Downey when he said to them he had permit from 2-2:30 p.m. and that is when he was going to do it. Vice Mayor Cronberg said does not think need to get to nick picking back and forth and it there is way to go and keep everyone happy thinks we can work around specific parameters of the permit. City Attorney Figueroa stated the permit holder is at the Mayor and Council's discretion. We have accommodated at certain times to take action to supersede that event. What's in the best interest of the community and that is the best interest of the Mayor, Bo and the gunslingers or anybody else it's what in the best interest of the community. Instead of canceling before Parade a lot of streets will be closed to vehicle traffic up to a certain point. Vice Mayor Cronberg thinks good way to start compromise and meet everybody's needs, and knows it is really difficult to incorporate a lot of things into a small space of time it is not an easy thing. If can find a way to accommodate group as well as those coming from elsewhere would be a good thing to do. City Manager McCourt asked if Mayor and Council would consider table this until the July 6th meeting to allow parties to work out amiable time. Vice Mayor Cronberg asked if that would help working it out with Ms. Ream if want staging before the parade. Ms. Schultz replied she thinks they can work it out. She thinks decision could be worked tonight if do not have the 2-2:30 time frames. If Mr. Downey would like to do it at 9:00 a.m. before and does not think it's a problem. Mr. Downey said the afternoon is no problem and morning is fine. City Manager McCourt stated the appropriate action is to table action until July 6th meeting and hopefully by then they have worked it out.

MOTION: Mayor Lindsey moved to table this item until next Council meeting.

SECONDED: Councilman Irvin seconded the motion. **CARRIED.**

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**DISCUSSION/DECISION REGARDING REQUEST FROM REX ALLEN ARIZONA COWBOY MUSEUM FOR A SPECIAL
EVENTS LIQUOR LICENSE FOR RECEPTION & AWARDS CEREMONY ON OCTOBER 1, 2010 FROM 6:00 P.M. TO 10:00
P.M. AT THE COMMUNITY CENTER, 312 W. STEWART STREET**

MOTION: Councilman Johnson moved to approve the request from Rex Allen Arizona Cowboy Museum for a Special Events Liquor License for Reception & Awards Ceremony on October 1, 2010 from 6-10 p.m. at the Community Center, 312 W. Stewart Street.

SECONDED: Councilman Irvin seconded the motion. **CARRIED.**

**DISCUSSION/DECISION PAYMENT OF REGISTRATION FEES FOR THE GOVERNOR'S CONFERENCE ON TOURISM FOR
DELICIE SCHULTZ**

MOTION: Councilman Johnson moved to approve the payment of registration fees for the Governor's Conference on Tourism for Delcie Schultz.

SECONDED: Vice Mayor Cronberg seconded the motion. **DISCUSSION:** Vice Mayor Cronberg said in packet Ms. Schultz is paying for everything else. Good for community and taking it out of Economic Development makes sense to her. Mayor Lindsey asked for legal opinion whether that could be done or not and which funds it could be paid out of. City Attorney Figueroa explained he met with the City Manager and the Mayor and Council does have in the budget a line item for Economic Development. Tourism development otherwise could not spend money for WREDA. WREDA is not governmental entity but they are "an arm" of the City and given money to. Arizona Revised Statutes §9-500.11 Expenditures for Economic Development Governing body may appropriate and spend public monies to fund Economic Development. §9-500.06 shall not impose new fee or tax on single specific industry. Put in because §9-500.06 deals with Hospitality Industry and if impose a tax or fee of any sort on the hospitality industry the only way to spend it is to appropriate those monies for tourist. Do not have that option there and excluded here. Further §9-500.11 Subsection D. for purposes of this section defines Economic Development activities. Any project, any assistance, any undertaking, any program or study whether within or outside the boundaries of the City or Town including acquisition, improvements, leasing or conveys real or personal property or other activity the governing body of the City or Town will assist in the creation or retention of jobs or will otherwise improve or enhance the economic welfare of the City or Town. Expenditure includes any waiver, exemption, reduction, credit, discount, deferral or other reduction... It does not have to be money it could be a tax incentive for coming here to develop. Most important part of economic activity any project or assistance within or without the City and that is what he used to rationalize legal support to spend money. Have to allocate and appropriate those funds and you have appropriated. Mayor Lindsey said in this case Historic Commission as being an extension of economic development. Mr. Figueroa said it is not Historic Commission it is Tourist Commission which is considered Economic Development in statutes stated. It can not be used for Economic Development although can impose new tax and the other can't for Tourist. Mr. Larry Schultz said "Delcie is now on your Governor's Tourism Advisory Council." **CARRIED.**

DISCUSSION/REPORT REGARDING SOUTHWEST DISPOSAL INCREASE

City Manager McCourt reported topic does not require Council action unless giving staff direction. This is a normal part of contract and living adjustment and they have notified us. This is Solid Waste Fund and area monitoring very closely. Also has tipping fees at the landfill. Councilman Johnson asked if they could look at once a week pick up for residential? And what would cost difference be. City Manager replied can look at many things and contract we have one (1) more year and then we will re-bid and not sure could change contract at this point. If they agreed then we can start discussion and see if willing to reduce their cost and pick ups. Councilman Johnson suggested something to look at for next budget. Vice Mayor Cronberg asked how much more it is going to cost her as consumer per month. What would be the average increase for fees to individuals? The City Manager replied he does not have that information with him this evening. They raised tipping fees does not automatically mean we have an increase in what we charge the customers. Fortunately our volume did decrease and even though tipping went up has not been necessary at this point. Concern the Solid Waste Fund does owe General Fund some money and slowing whittling that away. Although still have outstanding debt. Staff thinks we can get through without an increase. On the Solid Waste Tipping Fees scheduled to go up \$1-2 next year. Original recommendation was go up \$2 this year and Rate Review Committee recommended holding that off because of difficult time. The County did agree to do that. Staff believes revenues will be sufficient to cover next year but probably not sufficient to pay back any monies owed to General Fund. Councilman Johnson thinks utilities should run break even and should subsidized like we did in 2003 where General Fund subsidized Utilities to keep the rates low. Should pay as you go and been able to maintain it. Councilman asked if raised \$1 per consumer how much raised towards paying off the debt

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as well as increase. City Manager McCourt said he has not figured that out and will bring back information. Mayor Lindsey said if we decided to go to rate review and wanted to pass all increase on it would be 2.2% higher. Finance Director Graham said the refuse rate is \$17.64/month for refuse to residential customers.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-63 APPROVING THE SERVICE CONTRACT FOR PURCHASE OF RECREATIONAL AND EDUCATIONAL SERVICES [“SERVICE CONTRACT”] BETWEEN THE CITY OF WILLCOX [CITY] AND WILLCOX AGAINST SUBSTANCE ABUSE [“WASA”] AND AUTHORIZING THE MAYOR TO EXECUTE THE THIS RESOLUTION, THE SERVICE CONTRACT AND DECLARING AN EMERGENCY TO EXIST

Mayor Lindsey declared Conflict of Interest. Vice Mayor Cronberg took over this item.

MOTION: Councilman Donahue moved to approve Resolution NO. 2010-63, as stated, relating to the WASA Service Contract.

SECONDED: Councilman Johnson seconded the motion. **DISCUSSION:** Councilman Johnson thinks this should be consent agenda item. City Manager McCourt explained that the reason it was not on consent agenda is because it involves dollars and costs. Ms. Sally White, WASA, stated they are “doing more with less and appreciate that very much.” **VOTE: Ayes-**Vice Mayor Cronberg, Council members Johnson, Donahue, Holloway and Irvin. **Absent:** Councilman Klump. **Conflict of Interest:** Mayor Lindsey. **CARRIED 5-0-1-1.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-66 ADOPTING THE TENTATIVE BUDGET OF THE CITY OF WILLCOX FOR FISCAL YEAR 2010-2011, ADOPTING THE ESTIMATED AMOUNTS REQUIRED TO MEET THE PUBLIC EXPENSES AND THE ESTIMATED REVENUES, AUTHORIZING AND DIRECTING PUBLICATION OF STATEMENTS AND SCHEDULES OF THE TENTATIVE BUDGET AND DECLARING AN EMERGENCY TO EXIST

MOTION: Mayor Lindsey moved to approve Resolution NO. 2010-66, as stated, Adopting the Tentative Budget for FY2010-2011.

SECONDED: Councilman Irvin seconded the motion. **DISCUSSION:** Vice Mayor Cronberg stated she has already indicated to Ms. Graham that she “is extremely scared of this budget” with bottom line \$32,121,512. First came four (4) years ago it was \$18M and has real concerns about that bottom line and lack of revenue and the kind of spending going on and hard to support this budget. Councilman Johnson commented that since last book handed out there has been a lot of questions and appropriates on SouthWest Risk he has not seen brake down and it was good for Library but not for Development Services. Budget only down \$5,700 since first presented, doesn’t know where that came from and not comfortable with this budget at all and “it scares me to death.” City Manager McCourt reported budget and incorporated numbers and reductions are due to health insurance. We do have \$18M of the \$31M is for Capital Expenditures and \$15,000 for sewer and assume raise that money through bonds and not secured and also \$3M under Gas and have said revenue would be raised from some source. Of that \$31,000 have over half Expenditures we have not secured funding and without funding and securing that there is no expenditure. Councilman Johnson on the Gas Regulator budgeted for the last 4-years, \$5M, \$3M, and again \$3M and not secured or planned. We have to have budget in order to do it and understands that completely but personal opinion budget presentations were great and should be done “on a quarterly bases” of we have done, what we are doing and where we are going. Talked about “numbers, numbers, numbers” is what he is more concerned. Spending \$1.3M of our savings and if everything goes as planned and if secure funding for gas regular station or secure funding for sewer treatment then leaves us \$300,000 in savings and that scares him to death. The City Manager reminded all that last year at this point we were looking at General Budget over \$700,000 reduction in Fund Balance and based on latest numbers it is actually \$264,000 or over less than planned. Presenting budget staff felt is appropriate to deliver the level of service. Staff made more reductions to reflect reductions in income and staff continues to make reductions above and beyond that. Staff is very concerned and making sure we can deliver services to public that were promised. Also presented Street Plan with its difficulties and presented 5-Year Plan. It is not going to be easy. It is going to be very difficult and believes the economy is getting better and not incorporated into this budget. Anticipate that the estimated use of Reserves will be considerably less than projected and can not guarantee that at this time. Mayor Lindsey thinks everyone is uncomfortable with it and they have had opportunities to make suggestions where any cuts should be made except for Councilman Johnson cut 10% without any specific direction where cuts should be made. Vice Mayor Cronberg thinks there have been some other ideas how they might redirect how things are handled and maybe be more efficient how we use utilities and has not seen any follow up. Mayor Lindsey asked if she is referring to management type and Vice Mayor thinks they may have been thrown out. She asked how we get everybody to conserve energy, looking at 4-day week, splitting services and still giving public what they need and suggested someone working Monday-Thursday and Tuesday-Friday and does not think some of those things were taken seriously. Councilman Johnson stated they are going on the 4th year not giving employees a raise and has preached ways to save and does not want to micromanage the budget and maybe engage the Council line-by-line “if do this: this doesn’t happen.” Does not want to

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cut services and was elected to be steward of the people and be responsible how they spend public tax dollars. From \$18M budget and saving over \$4M now \$1.9M in 3-years and little town like this hard for this little town to get that savings back. Vice Mayor Cronberg wants staff to “work magic” and knows every City is having its own difficulty and we are having ours and have to have a budgeted amount to work with. Hopes within confines staff will continue using funds in the best way possible and in those chairs to do the work and appreciates work they do. Councilman Irvin stated lots of communities are suffering and we have taken from savings to get budget approved and commends Ms. Graham and Mr. McCourt for job done and need to put trust in them that they will carry them through tough times. The times met with Mr. McCourt he has been impressed with finances. Need to put trust in these 2-people to lead us through this difficult period. Mayor Lindsey said we have all discussed the fact that we may to look at cuts in future years not only in services and employees and whatever direction that it has to take. Thinks we do have prospects of the economy starting to turn around a little bit and thinks there is still some hard times for Willcox in delivering the present load of services that we deliver without cutting some of those services or cutting some of the employees that would reduce our operating expenses. The Mayor also realizes we do have to put a preliminary budget into effect and that is his primary concern. Vice Mayor Cronberg said we can always reduce it. Councilman Holloway stated we have to approve this budget because it is “max we could spend.” We do not want to short ourselves going to \$28M and it’s just a budget, it is just a number although we do need to be very tight fisted as we go into budget year. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Cronberg, Councilmen Donahue, Holloway and Irvin. **Nays-**Councilman Johnson. **Absent:** Councilman Klump. **CARRIED 5-1-1.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-67 APPROVING AND ADOPTING THE BASIC SERVICE CONTRACT BETWEEN THE CITY OF WILLCOX [“CITY”] AND THE SOUTHEASTERN ARIZONA GOVERNMENTS ORGANIZATION [“SEAGO”] FOR THE PURPOSE OF IMPLEMENTING THE SFY 2010-2011 CONTRACT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST Mayor Lindsey declared

Conflict of Interest and Vice Mayor Cronberg proceeded with this item.

MOTION: Councilman Donahue moved to approve Resolution NO. 2010-67, as stated, relating to the Basic Service Contract with SEAGO.

SECONDED: Councilman Johnson seconded the motion. **DISCUSSION:** Councilman Johnson stated “another no brainer, general housekeeping.” **VOTE: Ayes –** Vice Mayor Cronberg, Council members Johnson, Donahue, Holloway and Irvin. **Absent:** Councilman Klump. **Abstained:** Mayor Lindsey. **CARRIED. 5-0-1-1.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-68 APPROVING AND ADOPTING THE PATTE ROAD DEDICATION ADDENDUM TO CLARIFY PROPOSED DEDICATION FOR PROPERTY OWNERS IN ORDER TO CONTINUE WITH DEDICATION PROCESS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE ADDENDUM AND DECLARING AN EMERGENCY TO EXIST

MOTION: Mayor Lindsey moved to approve Resolution NO. 2010-68, as stated relating to Patte Road Dedication Addendum.

SECONDED: Vice Mayor Cronberg seconded the motion. **DISCUSSION:** Councilman Johnson asked question if we didn’t do Patte Road how many streets could we do. And if we are doing Patte Road is there development that is coming there and these are questions that were asked by citizens. Also he was asked why concentrating on Patte Road when we can do other streets in town that are less traveled and would have more of an economic impact. Councilman Johnson thought budget was \$55,000 and not sure correct and last year \$47,000.00. City Manager McCourt referred to budget book and Mr. Bonner explained number this year is \$25,000 for this year and if move to other areas thinks probably 5-streets done on Haskell and Railroad up to one a month at 1-block areas. The primary reason pursuing this because of constantly having to go out there to maintain this rough road and there is a lot of traffic. Mr. Bonner has drafted an agreement for the home owners along there because there was not a dedication. Technically the City should not be putting money on the road because it is not dedicated. Staff is pursuing the dedication so that we can do better job of maintaining that road and relieve some of the pressure off on Haskell for the truck traffic comes from Sale Barn. Councilman Johnson asked if they get off Interstate take Patte Road and go around to Sale Barn rather than going down Rex Allen or Haskell. The City Manager McCourt responded the secondary to the agreement is budgeted in FY2011-12 as mentioned as expansion plan for that area. This is also for development circulation around the hospital. Vice Mayor Cronberg talk early on thought easement belonged to Hospital and turned out it didn’t and asked if that is why some of this is pursued. Mr. Bonner replied only easement is the Nordhus Addition mobile homes between Arizona and Prescott and they have a 30’ dedication basically to the center of the road. The area around the Hospital they own large frontage there on Patte Road and also area along Arizona and could make that a full width dedication as well. The only 30’ dedication is from Scott to Patte because west side of Arizona has not been dedicated. Mr. McCourt stated it is the Council’s prerogative if do not wish staff to proceed with

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the project this would be the right time to stop it. Mr. Bonner stated that we did have a company interested in development of the property owned by Harry Owens, or his mother, at that time and they could not get legal access and that was what started this discussion. There was no legal access technically even though Patte Road is there and do not have legal access to that property. They did not have legal access from Rex Allen either. Councilman Johnson thinks looking at 30' of easement on Scott that went through there as far as possibility for land owners to give that easement. Mr. Bonner said they tried and looked along Senior Center and tried to get that direction and there was property owner that would not dedicate that area. There were a lot of issues. Vice Mayor Cronberg stated with these 2-signatures on the addendum then it is now handled. The City Manager replied these owners wanted some additional assurance i.e. not moving the fence line and thinks it is important and again reiterated to the Mayor and Council if they do not want staff to pursue now is the time to tell us. The people that are giving us the right-of-ways are doing that with clear understanding we will build this road. Vice Mayor Cronberg stated she appreciates the clarification. Mayor Lindsey stated that Patte Road is one of a few roads that is still a major contributor of dust in our area. The Vice Mayor agreed we have a few. The Mayor thinks great benefits can be gathered there particularly to have the dedication done and then we can have the City utilities in a proper place instead of being in an area where we don't have authority to be at the present time and that answers that question also. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-69 APPROVING AND ADOPTING THE ADVERTISING AGREEMENTS BETWEEN THE CITY OF WILLCOX ["CITY"] AND THE ARIZONA RANGE NEWS/SAN PEDRO VALLEY NEWS-SUN ["ARN/SPVNS"] FOR THE PURPOSE OF ESTABLISHING PUBLICATION COSTS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution No. 2010-69 as stated regarding the advertising agreement between the City and Arizona Range News/San Pedro Valley News-Sun.

SECONDED: Vice Mayor Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING ADOPTING RESOLUTION 2010-70 TO REPLACE RESOLUTION 2010-46 TO AUTHORIZE 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

MOTION: Mayor Lindsey moved to approve Resolution No. 2010-70 to replace resolution 2010-46 to authorize the submittal of an application for a Transportation Enhancement Grant (TEG) for the construction of sidewalks and ADA corner ramps on Arizona Avenue.

SECONDED: Councilman Irvin seconded the motion. **DISCUSSION:** Councilman Johnson concern numbers have been changed and concern max of \$1M what is the cost. City Attorney Figueroa explained he did the resolution max \$1M and then requested other verbiage required for application to be considered 5.7% match and other in regards to amendments thereafter and outlined in the 5th Whereas and read that section. All the information was received from Arnold Arvizu, Streets Supervisor on the requirements and figures. Vice Mayor Cronberg stated her concern on the 5th Whereas made her "very, very nervous" in terms of application process. There are too many contingencies and if something falls apart it falls directly on the City of Willcox. Understands it is a grant application and if received we can still say "no." There are too many ways for it to get more expensive for the City and no way to recoup. Mr. Bonner responded that when they did bid process for Engineering we do have ways to manage that and would work within guidelines of grant. At this point staff is asking to do application. Councilman Johnson said this project still has to be bid process. Mr. Bonner explained the Design & Engineering process and bid process for construction. If we get grant and if not then we will not do it. The Vice Mayor said this is to replace the other resolution and asking basically to submit the grant. Mr. Bonner stated this request came from Sharon Mitchell, SEAGO, better chance in getting grant if put those items in.

CARRIED.

DISCUSSION REGARDING APPOINTMENTS OF EX-OFFICIO MEMBERS TO REPRESENTATIVES ON VARIOUS BOARDS, COMMISSION, COMMITTEES, AND OTHER BODIES

Vice Mayor Cronberg stated she serves on the Parks & Recreation Committee and thinks someone else should have opportunity to serve. Councilman Holloway agreed to serve on the Parks & Recreation Committee, Councilman Irvin will serve on the Planning & Zoning Commission, Councilman Donahue will continue to serve on the Library Advisory Committee, Councilman Klump will also continue to serve on the Historical Committee and Councilman Johnson will continue to serve until his term expires in a year on the WREDA Board. Vice Mayor Cronberg will serve as the ex-officio to the Coronado RC&D. Mayor Lindsey will

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continue to represent the City in the SEAGO Board, and also serves on the WASA and Meth Task Force. City Attorney Figueroa explained the agenda description does state Discussion/Decision although the Title only states Discussion. City Clerk Whelan was asked for assistance and she explained the Code states shall consist of member appointed by Mayor with consent of Council. Mr. Figueroa added all the Code has the same language for Committee appointments for ex-officio members except Planning and Zoning which is a Commission. The Mayor as did here tonight asked if wanted to serve and Mayor and Council consent with vote with motion and seconded to the appointments.

MOTION: Vice Mayor Cronberg moved to consent the appointments made this evening.

SECONDED: Council members Johnson and Holloway seconded the motion. **DISCUSSION:** Councilman Johnson commented as the ex-officio's member after their meetings during the comments on the Council agenda they come and speak or have members present to Mayor and Council to keep them apprised of what is going on in their Committee or Commission. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-71 APPROVING THE APPOINTMENT OF PATRICK MCCOURT AND THE CITY MANAGER SERVICES AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to approve Resolution 2010-71 City Manager Pat McCourt appointment and the amended Service Agreement for contract period: 7/01//10 – 6/30/12.

SECONDED: Councilman Irvin seconded the motion. **CARRIED.**

REPORTS BY THE CITY MANAGER PAT MCCOURT

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

- **Report on Completion of the Water Well**-Dave Bonner, Public Services & Works Director, Water Well Project is finished. Mr. McCourt project predates him and it is completed.
- **Report on Attendees to the League of Arizona Cities & Towns**-Pat McCourt, City Manager, and the City Clerk needs to finalize the reservations for the conference and the hotel for those persons definitely attending. Also need to delegate the coordinator and co-coordinator for the Festival and the Flag Bearer for the Parade of Flags. A block of rooms have been reserved, and the Resolutions Committee begins on Tuesday, August 24th and the Conference ends at noon on Friday. Staff needs to know before July 16th if they are planning or not planning on attending. July 16th is the cut off date for early registration. Also if block of rooms are not needed they can be released. As directed by Mayor and Council the booth was reserved with electricity for the Festival of Cities and Towns. In the past Councilman Johnson has been the "water carrier" in the past for that booth and do not know if he is going to be able to continue on that role. Not sure direction to pursue on booth.
- **Report on Tours of the WWTP**-Pat McCourt, City Manager-staff will be setting tours and then have this item back on the agenda in July for decision. It was suggested a teleconference with Apache Junction, Benson and Bisbee to save travel and training monies.
- **Report on Next Council Meeting due to Holiday is Tuesday, July 6, 2010**-Pat McCourt, City Manager, due to 4th of July Holiday next meeting is a Special Meeting on Tuesday, July 6, 2010.
- **Report on City Manager on Vacation**-Pat McCourt, City Manager will be on vacation from late July 7-9, 2010. Chief Weaver taking care of his duties.
- **Report on Airport**-Pat McCourt, City Manager will give report concerning the Cochise County Airport. Received answers and now able to go forward and asked if they would like work session.
- **Report on Joint Work Session**-the City Manager reported that P&Z indicated to hold a joint work session on Monday, July 19th before the regular meeting to discuss infill incentives.
- **Report on Vehicles** -Pat McCourt, City Manager reported he was asked on the number of City take home vehicles. A Memorandum was prepared and 10 of 11 safety officers take home vehicles. This expedite response to call outs and six (6) live in town and 4-within 2-miles. Vehicles around town the public benefits from. Recently Chief Weaver had someone who felt threatened came to his house for assistance. In the Department of Public Services and Works only 1-vehicle is taken home for emergency and rotated by 7 employees.

Report by City Attorney- Mr. Figueroa reported he will be out-of-town from July 2-10, 2010 for annual 4th of July vacation.

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COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Holloway mentioned he had a good meeting with Kathy Smith at the Chamber and stated they have very good materials. After 38 years in Willcox he was asked if he had ever been in there and said "I have been in there" and it was a good review.

Mayor Lindsey reported he attended a meeting last Saturday in Douglas with Senators McCain and Kyle. It was very emotional meeting and managed to get into a meeting he wasn't supposed to be in that he held with the ranchers of that area and no reporters were present. Positive statements were made; they are looking at possible alternatives and solutions for the border. A rancher asked Senator McCain that he has been looking at this for 20 years and asked 'what do you see by now?' Sue Krentz was there and it did get very emotional. During the general meeting with the public was well attended and good discussion was held concerning the problems and possible solutions that could be used for sealing the border and making those kinds of things happen down there. Strangely enough SB1070 did not come up in the meeting other than once or twice.

Councilman Johnson "wants to see Council sponsorship on items brought to the Council as far as agendas go" if that is something that could be incorporated i.e. Resolution NO. 2010-67 if the Councilman can sponsor that and it would help expedite or help take ownership on items on the agenda. Second thing "why bring items to the Council when you know these questions are going to be answered or asked if you don't have the answers" i.e. rate increase. Councilman Johnson stated "it probably is legitimate but why bring it for decision when the first thing the Council is going to ask is 'what is the rate increase?'" He was sorry he got the numbers "screwed up" on Patte Road.

Councilman Irvin stated it's been a long meeting and thinks they made beneficial decisions tonight.

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 9:00 p.m.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Willcox held on the 21st day of June 2010. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 18th day of January 2011

/s/ Cristina G. Whelan, CMC
City Clerk Cristina G. Whelan, CMC

PASSED, APPROVED AND ADOPTED this 7th day of FEBRUARY 2011.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY
Signed: 02-08-2011.

ATTEST:

/s/ Cristina G. Whelan, CMC
City Clerk Cristina G. Whelan, CMC