

CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA-Statement of Legal Actions
Monday, June 21, 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. 2010-72
Ordinance NS299

WELCOME NEW COUNCIL MEMBERS!

1. **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.
2. **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 Christopher Donahue
Councilman William Holloway
Councilman Robert Irvin

ABSENT

Councilman Stephen Klump

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

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey
4. **CALL TO THE PUBLIC**-Mr. Don Ulses 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.

5. **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.

6. ADOPTION OF THE AGENDA

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

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

7. **DISCUSSION/DECISION ENTER EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES** Tab 1
§ 38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY

Consideration, discussion and/or decision to enter into an Executive Session pursuant to ARS § 38-431.03A(3), as stated, relating to consultation for legal advice with the attorney(s) of the public body.

8. RECESS TO EXECUTIVE SESSION, IF APPROVED

9. RECONVENE FROM EXECUTIVE SESSION

10. PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Tab

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 hearing.

11. 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

Tab 3

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

Tab 4

It was moved and seconded to adopt the consent agenda items as presented. **CARRIED.**

12. DISCUSSION/DECISION REGARDING THE BILLBOARD CONTENT

Tab 5

It was moved and seconded to direct staff ideas presented and bring back at the next Council meeting plans. **CARRIED.**

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

Tab 6

It was moved and seconded to deny Mr. Clem's request fees waived for the Quail Park Arena on June 10-11, 2011. **CARRIED.**

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

Tab 7

It was moved and seconded to uphold the Planning & Zoning Commission's denial on rezone request. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Cronberg, Councilmen Donahue and Holloway. **Nay's:** Councilman Johnson. **Abstained:** Bob Irvin. **CARRIED: 4-1-1-1.**

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

Tab 8

It was moved and seconded to suspend Gunfight Permit for one (1) weekend. After further discussion it was moved and seconded to table this item until July 6th meeting. **CARRIED.**

16. 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

Tab 9

It was moved and seconded 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. **CARRIED.**

17. DISCUSSION/DECISION PAYMENT OF REGISTRATION FEES FOR THE GOVERNOR'S CONFERENCE ON TOURISM FOR DELCIE SCHULTZ Tab 10

It was moved and seconded to approve the payment of registration fees for the Governor's Conference on Tourism for Delcie Schultz. **CARRIED.**

18. DISCUSSION/REPORT REGARDING SOUTHWEST DISPOSAL INCREASE Tab 11

Staff explained that per contract with SouthWest Disposal they have notified us of the increase due. Discussion was held regarding suggestions/questions: once a week residential pickup, what the new rates will be for the residential consumer, what is the average increase for fees, tipping fees at the County Transfer Station going up this year by \$1/ton and next year \$2/ton. Also discussion was held that Solid Waste does owe General Fund some money and slowing "whittling" that away. Staff will bring back information and Finance Director stated \$134.62/month is the refuse rate for residential.

19. 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 THIS RESOLUTION, THE SERVICE CONTRACT AND DECLARING AN EMERGENCY TO EXIST Tab 12
Vice Mayor took over meeting due to Mayor declared Conflict of Interest.

It was moved and seconded to approve Resolution NO. 2010-63, as stated, relating to the WASA Service Contract. **CARRIED.**

20. 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 Tab 13

It was moved and seconded to approve Resolution NO. 2010-66, as stated, Adopting the Tentative Budget for FY2010-2011. **VOTE: Ayes-Mayor Lindsey, Vice Mayor Cronberg, Councilmen Donahue, Holloway and Irvin. Nays-Councilman Johnson. CARRIED: 5-1-1.**

21. 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 Tab 14
-Vice Mayor took over due to Mayor declaring Conflict of Interest..

It was moved and seconded to approve Resolution NO. 2010-67, as stated, relating to the Basic Service Contract with SEAGO. **CARRIED: 6-0-1**

22. 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 Tab 15

It was moved and seconded to approve Resolution NO. 2010-68, as stated relating to Patte Road Dedication. **CARRIED.**

23. 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. Tab 16

It was moved and seconded approve Resolution No. 2010-69 as stated regarding the advertising agreement between the City and Arizona Range News/San Pedro Valley News-Sun. **CARRIED.**

24. 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 Tab 17

It was moved and seconded 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. **CARRIED.**

25. DISCUSSION REGARDING APPOINTMENTS OF EX-OFFICIO MEMBERS TO REPRESENTATIVES ON VARIOUS BOARDS, COMMISSION, COMMITTEES, AND OTHER BODIES Tab 18


It was moved and seconded for Councilman Holloway 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 continue to represent the City in the SEAGO Board, and serves on the WASA and Meth Task Force. **CARRIED.**

26. 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 Tab 19

It was moved and seconded to approve Resolution 2010-71 City Manager Pat McCourt appointment and the amended Service Agreement for contract period: 7/01/10 – 6/30/12. **CARRIED.**

27. REPORTS BY THE CITY MANAGER PAT MCCOURT Tab 20

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 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 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" and not sure  need direction to pursue 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-Hector Figueroa, City Attorney reported he will be out-of-town from July 2-10, 2010 for annual 4th of July vacation.

28. 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.

29. ADJOURN-9:00 p.m.

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 Community 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.