

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

Monday, August 2, 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. 2010-86
Ordinance NS299**

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, August 2, 2010 at 7:00 p.m. d welcomed all to the Council meeting this evening. Good to see as many as we have here and appreciates them participating in City Government and taking a part in it.
2. **ROLL CALL** –City Clerk Cristina G. Whelan, CMC, called the roll:

PRESENT

Mayor Gerald W. Lindsey
Councilman Elwood A. Johnson
Councilman Stephen Klump
Councilman Christopher Donahue
Councilman William “Bill” Holloway
Councilman Robert “Bob” Irvin

STAFF

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

ABSENT

Vice Mayor Monika Cronberg

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**- Mayor Lindsey.
4. **CALL TO THE PUBLIC**-Ms. Lisa Glenn addressed the Mayor and Council and read a letter from the Northern Cochise County Democratic Club on the loss of a very active member Ms. Rose Allan. Ms. Allan was a committed community activist who cared deeply about the people of Willcox and about the issues that affected them.

Ms. Allan’s goal for over 30 years was for the establishment of a permanent Senior Center for Willcox. Ms. Glenn read that Ms. Allan worked on that up to the end. Ms. Allan talked to Gabrielle Gifford many times about the need for a Senior Center and “was instrumental in getting the \$96,000 grant” to build that long awaited Senior Center. Ms. Allan did not see the Senior Center built although she did know it was to be built.

The Club sincerely hopes the Mayor and Council will consider the suggestion to name the Willcox Senior Center the Rose C. Allan Senior Center and that it is an honor that she deserves. The letter was signed by Kathleen Day-Cain, President, The Northern Cochise County Democratic Club (Ms. Glenn handed out a copy to each Council member).

Mayor Lindsey thanked her and asked if anyone else wished to address the Mayor and Council. Hearing none the next agenda item was considered.

5. **DECLARATION ON CONFLICT OF INTEREST**-There was no response from the Mayor and Council members or staff.

6. **ADOPTION OF THE AGENDA**-It was moved and seconded to adopt 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**-It was moved and seconded to enter into Executive Session as stated, relating to consultation for legal advice with the Attorney of the public body. **CARRIED.** Tab 1
8. **RECESS TO EXECUTIVE SESSION, IF APPROVED**-Mayor Lindsey recessed the Executive Session at 7:06 p.m.
9. **RECONVENE FROM EXECUTIVE SESSION**-Mayor Lindsey reconvened the regular meeting at 7:24 p.m. The Mayor directed the City Manager and Counsel to proceed with preparing the matter to come back to Council.
10. **CONSENT AGENDA**-Mayor Lindsey read the items by title and it was moved and seconded to adopt the Consent Agenda items, as presented. **CARRIED.**
- 10A. **MINUTES OF THE WORK SESSION MEETINGS OF MAY 10 & 17, 2010,** Tab 2
- 10B. **RESOLUTION 2010-83 APPROVING AND ADOPTING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WILLCOX [CITY] AND THE WILLCOX UNIFIED SCHOOL DISTRICT #13 [SCHOOL] FOR THE PURPOSE OF IMPLEMENTING A SCHOOL SAFETY PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE IGA AND DECLARING AN EMERGENCY TO EXIST** Tab 3
11. **PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS** Tab 4
PUBLIC HEARING: Mayor Lindsey announced that the Mayor and Council will hold a public hearing on (1) Monday, August 2, 2010 regarding the Fiscal Year 2010-2011 Budget; and

(2) Public Hearing on Monday, August 16, 2010 regarding the Fiscal Year 2010-2011 Budget

All members of the public are invited to attend such meeting. For those persons unable to attend, written comments will be accepted until 4 p.m. the day of the public hearing in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, AZ 85643.

Mayor Lindsey opened the Public Hearing regarding the Fiscal Year 2010-2011 Budget at 7:26 p.m. and asked if there was anyone that would like to comment on the City budget.

Mr. Paul Sheats said he has a question and asked how much is budgeted for the Public Parks & Recreation Department. The Mayor asked Ms. Graham to respond; Councilman Johnson asked Mr. Sheats if he is talking about public parks or line item for the Council which there is a portion of Community Programs. Mr. Sheats bottom line wants to know Community Programs what is in the proposed budget concerning Community Programs how much money? City Manager McCourt reported we have budgeted Community Programs at \$14,000 basically Community Center; we have a contract with the Chamber of Commerce for \$65,000 for half of the Bed Tax and contract to run the Visitor Center; Economic Development \$20,000; and Tourist Agreement with Cochise County Tourism Council for \$10,000; WASA Recreation Contract to provide City and WASA recreation programs more intensely during the summer months and throughout the year they run various recreation programs; and matching grant \$23,700 for Senior Center; Community Program \$3,500 for the Fire Works, \$6,060 for the Chip Seal parking lot of the proposed Senior Center, \$1,350 for Centennial figures. Others of interest is Swimming Pool \$149,661 for running the Swimming Pool; Buildings and Grounds work for various Parks; the Parks & Recreation has \$458,453 for operation of all the Parks systems in the City. Also money under Trust Funds or Fund 17 expenditures planned \$4,500 for Fireworks; and this is fund people pay into for specific programs and this separate from the previous mentioned; also Golf Course that the people raise money for capital improvement \$13,570; Railroad Park Funds received Grant \$67970; and Skate Park expenditures listed at \$12,000; Library \$805; Police Contribution \$2,000; Wildland Expenditure money we receive when fight Wildland fires \$21,300; and Stone Garden through Public Safety for specifics \$130,051.

Mr. Sheats heard 2-things of interest the \$12,000 and something for the Skate Park and is interested where all that comes up because last time heard \$16,000 and what happened to the \$4,000. 00. The \$400 that goes to all Parks and Recreation and

asked each City Council members that ran for election or re-election everyone himself included said wanted to see for motion concerning the Skate Park. Each one said we want to see our young people to stay around and things develop. Now is their opportunity to do something and make sure it doesn't slip under the budget or not put in budget or plan. Asked for one of them to be very proactive and helping these kids get a Skate Park. It is a Park and its on City property and would think there is some way to find more money to help this. These kids have done due diligence in raising funds and personally has not heard from newly elected and re-elected Council members and called the other parties involved to see if they have heard anything since they took office and nothing. It was a campaign opportunity has not heard anything and neither has the kids that are interested. He asked for one or more to do something please to help these kids. He does not think he has to be the voice thinks the kids need to hear from City Council members that it is important, that you will do something, press some bottoms somewhere, make sure it is in the budget, make sure there is another way to get created. It was a campaign promise from all seven (7) they all mentioned it individually. Councilman Holloway said he did not and Mr. Sheats apologized and it seemed to him everyone was on board to do something with the Skate Park. Mr. Sheats is asking for some help from each Council member. For five (5) years this has been on somewhere in the budget and yet they still are really not any closer to having a Skate Park than they were 5-years ago. He is pleased and glad to hear it is somewhere in there, in the budget somewhere so they can move forward with it and get some help and appreciates it.

Mayor Lindsey if anyone else wanted to comment.

Councilman Johnson said times are tough and still in rough fiscal year. Tentative budget was approved and can not go over and need to stay under. Asked what is City's plan to raise additional revenues other than Tourism, what is the City's plan for raising revenues to help us with this fiscal time; what can we do to achieve forward momentum; the memorandum dated 6-28-2010 is a good start and would be added savings if it is followed and enforced. If it is not he is not going to micro manage the budget against forward movement. The status quo would be set and need to look to the budget this year and look at some type of activities or development that will help us increase our tax revenues. Councilman Johnson biggest concern it has been four (4) years since employees have gotten a raise and they are the infrastructure that makes the City move. Suggested "wants to see in this budget that instead of fixed budget is to freeze on all hiring with Council approval if there is any to be hired; freeze on all Travel & Training except for State & Federal requirements again with Council approval; a freeze on all Capital purchases again with Council approval; eliminate any position that is being held in the budget for numbers sake, position that hasn't been filled and that position would need to come back for Council approval; place all Travel & Training, Capital purchases and Insurance for each facility under the City Manager's budget section and then brought back for Council approval. Other possible ideas for the budget to maintain and cut: Go paperless as much as possible, example Council packets; I don't know how many trees we cut down for that. We brought up a 4-day work week and I am sure there are more ideas from the Council and members of staff and I could pick the budget apart and just one item in particular is in 2010 budgeted \$50,000 for Magistrate Fees and this year budgeted \$35,000 that's \$16,000 less is there less crime rate, less fees or are we being very conservative. \$31 Million budget is hard to swallow."

Mr. Sheats wants someone to find out if the \$12,000 that was mentioned is that what the young people raised and it is being held and if that is the case is that matching \$12,000 set aside so that if by some miracle they get the go ahead to build they now have the money and he does not have to go down that road saying it wasn't budgeted this year. Does not know how to read that budget it is not written in his language or something. Asked if someone would check on that and make sure it is all going to be there and ready to roll if this comes about and actually pour some cement.

Councilman Johnson asked if staff left the Airport out of the budget this year because he missed that. He asked specifically for the Airport and thought he missed that. City Manager McCourt replied it is on page 44, and line item 10-453. Councilman Johnson thanked him.

Mayor Lindsey asked are there any other comments.

Mayor Lindsey said his one comment is on Councilman Johnson's on the list of things to do and most have been initiated already and some are further mandated than what he listed on his list. Most of those have been looked at. All in agree in areas that cuts have to be made, all in agreement we can't afford to hire new employees, thinks all in agreement our employees deserve a raise although do not have funds to give it to them, and if there are any ideas they can come forward with to increase our revenues that would be appropriate. We can talk about it all night and until we do have some action it isn't going to make any difference.

The Mayor asked for any other comments. Again he asked if there were any other comments. Hearing none the Mayor closed the public hearing at 7:43 p.m.

12. DISCUSSION/DIRECTION TO STAFF ON THE REPORT OF THE DEVELOPMENT OF FIREWORKS ORDINANCE. Tab 5

The City Manager Mr. McCourt stated this is not an action item and traditionally fireworks are paid by the City and donations and except for public displays. State Legislature approved sale and use of Fire Works throughout Arizona and allows local entities such as our City to put some restrictions on use of Fireworks if they wished. Some concerns are fire safety and staff asked if they could draft a sample Ordinance for their consideration on restrictions of Fireworks in the City. Mayor Lindsey said that would be the direction for staff to proceed forward.

13. DISCUSSION/DIRECTION TO STAFF REGARDING THE VEHICLE USE POLICY Tab 6

City Manager McCourt reported the City has a number of vehicles and driven in various departments. Staff is proposing a draft Vehicle Use Policy and suggested to incorporate it into our Personnel Policies. Mayor Lindsey directed staff to bring it back to Mayor and Council.

14. DISCUSSION/DECISION REGARDING THE APPOINTMENTS TO FILL THE THREE (3) VACANCIES ON THE LIBRARY ADVISORY COMMITTEE Tab 7

The Mayor asked those present to address the Mayor and Council by alphabetical order. After a brief statement by the candidates the Mayor opened nominations to fill the three (3) vacancies on the Library Advisory Committee. It was moved and seconded to close nominations after all four (4) candidates had been nominated. Mayor Lindsey requested Show of Hands in **ALPHA VOTE**: Aiman-6-0-1 Absent Vice Mayor Cronberg; Boughton 3-3-1 Absent Vice Mayor Cronberg; DeWend 6-0-1 Absent Vice Mayor Cronberg; and (out of alpha order) Chapin 3-3-1 Absent Vice Mayor Cronberg.

Mayor Lindsey asked for revote for Boughton and Chapin to fill the third vacancy. City Attorney Figueroa asked if the Library has any County members right now and Mayor Lindsey replied "no" and explained it is not mandatory to have County members on the Committee.

Councilman Klump suggested since one Council member is not present and asked if could postpone filling the one vacancy. Mr. Figueroa stated that so long as the Committee has standing members and not one of those appointed today because need a quorum. The terms were up on June 30th and they need to take care of business. Now they would have a quorum and could wait for the last position to be filled at the next meeting. Mayor Lindsey said they are all good candidates too.

It was moved to table the appointment to the final position in 2-weeks. **MOTION DIED FOR LACK OF SECOND.**

City Attorney Figueroa prefers they act on the two positions that each received 6-votes and get those people on board for the Library Committee to have a Quorum.

It was moved and seconded to accept the two (2) positions that they unanimously supported. **CARRIED.**

It was moved and seconded to postpone the vote on the third member until or following 2-weeks from today. **CARRIED.**

15. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-81 APPROVING AND ADOPTING THE APPROVING AND ADOPTING THE JOINT PARTNERSHIP AGREEMENT ("IGA/JPA 09-198-I") WITH THE STATE OF ARIZONA ("STATE") THROUGH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE FORT GRANT TRANSPORTATION ENHANCEMENT PROJECT, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST-It was moved and seconded to adopt Resolution No. 2010-81, relating to Joint Partnership Agreement with the State of Arizona Department of Transportation for the Ft. Grant Transportation Enhancement Project, as presented. Tab 8 **CARRIED.**

16. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-84 APPROVING AND ADOPTING THE TITLE VI ASSURANCES RELATING TO FEDERAL CIVIL RIGHTS ASSURANCES UNDER THE INTERGOVERNMENTAL AGREEMENT ("IGA/JPA 09-198-I") FOR THE FORT GRANT TRANSPORTATION ENHANCEMENT PROJECT AND Tab 9

AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST-It was moved and seconded to adopt Resolution No. 2010-84, as stated, relating to the Title VI Assurances relating to the Federal Civil Rights Assurances under the IGA/JPA 09-198-1 for the Ft. Grant Transportation Enhancement Project. **CARRIED**

17. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-85 APPROVING AND ADOPTING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE STATE OF ARIZONA (“STATE”) THROUGH THE ARIZONA DEPARTMENT OF TRANSPORTATION (“ADOT”) UNDER THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FOR THE REPLACEMENT OF TRAFFIC SIGNS, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST-It was moved and seconded to adopt Resolution NO. 2010-85, as stated, relating to IGA between the City and the State through the ADOT under the HSIP for the replacement of Traffic Signs. **CARRIED.** **Tab 10**

18. REPORTS BY THE CITY MANAGER PAT McCOURT **Tab 11**

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

- **Report on Joint Work Session with Planning & Zoning Commission**-Pat McCourt, City Manager, the Joint Work Session was postponed with Planning & Zoning Commission and has been rescheduled regarding Infill Incentives has been scheduled for Monday, August 16, 2010 at 6:00 p.m. 300 W. Rex Allen Drive.
- **Report on Special Meeting Wastewater Treatment Plant**-Pat McCourt, City Manager, asking to post a Special Meeting on Monday, August 30, 2010 at 6:00 p.m. to discuss the loan and loan documents from WIFA. Due to our existing Bond it has a couple of quirks in it.
- **Report on Dug Out**-Pat McCourt, City Manager, reported on the temporary Dug Out roof repair at Keiller Park has been replaced.
- **Report on Mayor’s/Manager’s Luncheon**-Pat McCourt, City Manager, the City of Willcox will host the Mayor’s/Manager’s Luncheon from throughout the County on September 16, 2010 at 12 noon at the Brass Rail. Speaker is Rod Keeling with the Wine Growers Association and attendance would be appreciated. .
- **Report on the 25% BP Gas Purchase**-Pat McCourt, City Manager reported for the City’s Gas Utility Company the City purchases supplies of gas in advance and purchased in two (2) ways. Fixed dollar amount and on the Spot Market. We know what our average amount of gas that used is and varies specifically do forward purchase. We do 25% and purchasing another 25% and previously the Mayor and Council has given us permission to purchase another 25% BP Gas Purchase which extends our contract 3-months further than where we are now. Remainder looking at spot purchases and if we have warm winter we will probably be paying a little more, if normal winter we will be in good shape and cold winter we would be in great shape. Letting Mayor and Council know we are taking care of our supplies for the winter.

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

The Mayor asked Councilman Donahue for update on the Senior Center. The Senior Center is coming along well right now and have the Civil Engineers who have begun working on the parking lot and involve city public works putting in chip sealing Putting in fresh flooring in the building and finishing the interior work to it and hoping to have everything ready for Rex Allen Days.

Councilman Irvin commented on the job the Street Department is doing with as much rain as we had seen the crews out there working. Also reported they have Lake Soto again and the potholes are reappearing in the segment repaired and overall feels they are doing a very good job.

20. ADJOURN-8:15 p.m.

Misc. Tab: 12

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 and beginning July 2010 on the City’s website www.cityofwillcox.org .

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.