

**CITY OF WILLCOX  
MAYOR AND CITY COUNCIL MEETING**

**AGENDA-Statement of Legal Actions**

**Monday, August 16, 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. 2010-90**

**Ordinance NS299**

1. **CALL TO ORDER** –Mayor Gerald W. Lindsey called the regular meeting to order on Monday, August 16, 2010 at 7:00 p.m. and those from work session welcomed them to the Council meeting again.

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 Stephen Klump  
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 Christopher Donahue

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey

4. **CALL TO THE PUBLIC**-There was no response from the public present.

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** Tab 1  
**§ 38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY**-City Attorney Hector Figueroa stated he has nothing today and Mayor asked Council member no response and moved to next item.

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

9. ~~**RECONVENE FROM EXECUTIVE SESSION**~~

10. **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.

- 10A. **MINUTES OF THE REGULAR MEETING OF AUGUST 2, 2010,** Tab 2
  
- 10B. **RESOLUTION NO. 2010-86 RATIFYING, APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE LIBRI FOUNDATION FOR THE PURPOSE OF APPLYING FOR FUNDS THROUGH THE BOOKS FOR CHILDREN PROGRAM TO BE USED FOR PUBLIC LIBRARY BOOKS AND DECLARING AN EMERGENCY TO EXIST.** Tab 3
  
- 10C. **RESOLUTION NO. 2010-87 APPROVING AND AUTHORIZING THE ACCEPTANCE AND EXECUTION OF A SETTLEMENT AGREEMENT BETWEEN THE CITY AND THE ARIZONA DEPARTMENT OF HEALTH SERVICES (“ADHS”) RELATING TO THE LAB AT THE WASTEWATER TREATMENT PLANT (“WWTP”), AUTHORIZING AND DIRECTING CITY STAFF TO PAY THE SETTLEMENT AMOUNT AND DECLARING AN EMERGENCY TO EXIST.** Tab 4
  
- 10E. **RESOLUTION NO. 2010-89 RATIFYING, APPROVING AND AUTHORIZING THE SUBMITTAL OF THE APPLICATION TO THE UNION PACIFIC FOUNDATION FOR THE PURPOSE OF APPLYING FOR \$5,000.00 TO BE USED FOR THE RELOCATION OF THE HISTORIC MASCOT & WESTERN PASSENGER CAR TO RAILROAD PARK AND DECLARING AN EMERGENCY TO EXIST.** Tab 6

It was moved and seconded to approve the consent agenda items as presented with exception to 10D (relating to Resolution NO. 2010-88). **CARRIED.**

- 10D. Mayor Lindsey read by Title the following item removed from Consent Agenda.  
**RESOLUTION NO. 2010-88 APPROVING AND AUTHORIZING THE RENEWAL AND EXTENSION OF THE USE, MAINTENANCE AND STIPEND AGREEMENT BETWEEN THE CITY OF WILLCOX [“CITY”] AND THE WILLCOX CHAMBER OF COMMERCE AND AGRICULTURE, A NON-PROFIT CORPORATION, [“CHAMBER”] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST** Tab 5  
It was moved and seconded to approve Resolution NO. 2010-88.

- 11. **PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS** Tab 7  
**PUBLIC HEARING:** The Mayor and Council will hold its second 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 7:24 p.m. City Manager McCourt reported in the Council members packet are three (3) memos from him and result from comments received at the last budget hearing and no other comments from public has been received. The first memo focus is on General Fund User Fees concerns. Included in the packet are pages from the League of Arizona Cities & Towns Budget Manual that further describes those types of revenue sources. The second memo dealt with discussion on Skate Park revenues and expenditures for that particular project and traced back in particular line item. Staff had projected local income during FY11 and we have projection and not received that money and can not spend until it is received. The third memo addresses comments made and response. Also discussed various funds and break down the \$31M and end up in General Fund difficulties. General Fund it has been declined the past 4-years and FY11 is less that FY10 budget. That is despite the fact seen increases in operations costs and held most services the same and increased some such as the Senior Citizen building. There are minor increases in services and decreasing in overall General Fund. Staff committed to addressing that and feel did address the Street Fund and presented 5-year Plan and confident will get to General Fund and may have to do service area reductions and if have too we are very concerned.

Mayor Lindsey asked are there any comments. The Mayor asked if there were any comments from the Council. Asked again if there were any further comments from those present and hearing none he closed the public hearing at 7:28 p.m.

**12. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-89 ADOPTING THE BUDGET OF THE CITY OF WILLCOX FOR FISCAL YEAR 2010-2011-It was moved and seconded to approve Resolution NO. 2010-89, as stated, relating to the FY 2010-11 Budget. VOTE: Ayes-Mayor Lindsey, Vice Mayor Cronberg, Council members Klump, Holloway and Irvin. Nays-Councilman Johnson. Absent: Councilman Donahue. CARRIED 5-1-1.** **Tab 8**

**13. DISCUSSION/DECISION REGARDING THE APPOINTMENT TO FILL THE ONE (1) VACANCY ON THE LIBRARY ADVISORY COMMITTEE-It was moved to nominate and appointment Kay Marie Boughton to fill the 1-vacancy on the Library Advisory Committee, terms to expire June 2014. CARRIED.** **Tab 9**

**14. REPORTS BY THE CITY MANAGER PAT McCOURT** **Tab 10**

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

- **Report on 2009 Police Officer of the Year and Firefighter of the Year**-Pat McCourt, City Manager, explained that in the Arizona Range News reported that in 2009 during the All Employee Meeting held in 2010 Chief Weaver presented these awards to Officer David Reno and VFF Gary Adams.
- **Report on Mayors & Manager Luncheon**-Pat McCourt, City Manager, will be hosted by City of Sierra Vista on Thursday, August 19, 2010. Please RSVP your meal selection if able to attend by Friday, August 13, 2010 to the City Clerk.
- **Report on Special Meeting Wastewater Treatment Plant**-Pat McCourt, City Manager, asking for Special Meeting on Monday, August 30, 2010 at 6:00 p.m. to discuss the Bridge Loan and presentation by the Bond Attorney and decision on the WWTP WIFA Bridge Loan. Does not anticipate a long meeting.
- **Report on Historic Willcox Billboard**-Pat McCourt, City Manager, the first Historic Willcox billboard is up on I-10 and the west side of Benson. Both are up now as reported by Ms. Smith.
- **Report on Mayor's/Manager's Luncheon**-Pat McCourt, City Manager, the City of Willcox will host on September 16, 2010 at 12 noon at the Brass Rail. Topic: Willcox Wine Growers County and Mr. Rod Keeling has said he will make that presentation and asked M&C to check calendars and plan to attend..
- **Report on Schools are Open!**-Pat McCourt, City Manager, reports that the schools are open Drive Carefully! Road crew have painted the crosswalks.
- **Report on Exploring Possibility On Private Collection Company To Collect All City Sales Tax**-Pat McCourt, City Manager reports at City Manager's meeting had vendor Revenue Discovery Systems. They do collection at local level instead of State. Some major cities have always done it and this company specializes in working with smaller cities. Flagstaff and Douglas are working with them. Seems to happen is there is greater diligence in following up on who is paying or not and money gets to City much faster, therefore, 13 months receipt and then later 12 months period. Staff has been examining this and he discussed this with the City Manager meeting the possibility on private collection company to collect all City Sales Tax instead of the State of Arizona. Vendor will be at the League Conference and encouraged them to stop and talk to them and find out how system is working. They work throughout Arizona and staff is looking at that possibility.
- **Report on Hazel Johnson Park**-Pat McCourt, City Manager, reports on the Hazel Johnson Park which is a small park south of the Community Center. At the beginning of this year only a few trees and couple of picnic tables and dirt. Staff has been watering that and moving sprinklers around and staff under their own initiative used supplies in stock and put in irrigation system. Immediate effect (1) reduces our loses in sprinkler and hoses; (2) also reduced labor go out and move and position sprinklers and (3) we have grass all over that Park.! That is a vast improvement and service availability and savings in operational costs.
- **Report on Attendees to the 2010 League of Arizona Cities & Towns Annual Conference**-Pat McCourt, City Manager, reports that Mayor Lindsey, Public Works Director Bonner, City Manager are attending. Councilman Holloway is attending on Wednesday only. At this time Mayor, Councilman Holloway will be attending a portion of the conference, Public Services & Works Director and himself. They will be manning a booth and City flag barrier will be the Mayor.

**15. COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.**

Councilman Irvin stated he knows they have taken a big step as far as budget and as he has stated in the past he has full confidence in the City Manager and Ms. Graham especially in this period of tough times.

Vice Mayor Cronberg agreed with Councilman Irvin.

Councilman Holloway stated he is happy to see that the private enterprise is alive and well. Keeling-Schaeffer has a really nice billboard coming from Tucson about Wine Tasting and that is a good thing. It is also in conjunction with what Kathy Smith (Willcox Chamber of Commerce & Agriculture) was talking about. The sign Historic Willcox is very nice and attractive.

**16. ADJOURN-7:39 p.m.**

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**Misc. Tab: \_\_\_\_.**

**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](http://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.