

CITY OF WILCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA-Statement of Legal Actions
Monday, November 1, 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. 2010-113
Ordinance NS303

1. **CALL TO ORDER** –Mayor Gerald W. Lindsey called the regular meeting to order on Monday, November 01, 2010 at 7:00 p.m.
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 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
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**
Mayor and Council consideration of comments or complaints from the public. Those wishing to address the Council are required to register by completing an individual speaker’s form and filing it with the Clerk before the meeting. The speaker must be recognized by the Mayor before speaking. Time permitting each presentation will be given approximately three (3) minutes. It is probable that each organization will be limited to one speaker. Action taken as a result of public comment will be limited to directing staff to study or reschedule the matter for further consideration at a later date.
5. **DECLARATION ON CONFLICT OF INTEREST**-Councilman Johnson declared Conflict of Interest on the Consent Agenda #10C relating to Grant Award from the Governor’s Office of Economic Recovery (GOER). There was no further response from the Mayor, 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; AND §38-431.03(A)(4) DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY’S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS

CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION-City Attorney Figueroa requested this item be considered later on because there are lots of items on tonight's agenda.

It was moved and seconded 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; and ARS §38-431.03A(4), as stated regarding the public body's position regarding contracts that are the subject of negotiations, or in settlement discussions conducted in order to avoid or resolve litigation. **CARRIED.**

8. RECESS TO EXECUTIVE SESSION, IF APPROVED-Time: 8:09 p.m.

9. RECONVENE FROM EXECUTIVE SESSION-Time: 8:40 p.m.

10. CONSENT AGENDA-It was moved and seconded to adopt the Consent Agenda items. **CARRIED 6-0-1** Declared Conflict Councilman Johnson.

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. THE REGULAR MEETING HELD ON JULY 19, 2010 AND OCTOBER 18, 2010 AND THE WORK SESSION HELD ON OCTOBER 18, 2010 Tab 2

10B. REQUEST FROM WILLCOX CHAMBER OF COMMERCE & AGRICULTURE TO CLOSE RAILROAD AVENUE TO HOST THEIR CHRISTMAS LIGHTED PARADE ON SATURDAY, DECEMBER 4, 2010 FROM 5:00 P.M. TO 9:00 P.M. Tab 3

10C. RESOLUTION NO. 2010-108 APPROVING THE GRANT AWARD IN THE AMOUNT OF \$37,000 FROM THE GOVERNOR'S OFFICE OF ECONOMIC RECOVERY ("GOER"), PUBLIC SAFETY STABILIZATION PROGRAM ("PSSP") FOR THE PURCHASE OF ONE (1) PATROL VEHICLE WITH POLICE PACKAGE AND DECLARING AN EMERGENCY TO EXIST. Tab 4

10D. RESOLUTION NO. 2010-111 APPROVING AND ADOPTING THE U.S. DEPARTMENT OF INTERIOR, BLM RURAL FIRE ASSISTANCE GRANT ["RFA 10-006"] IN THE AMOUNT OF \$9,000.00 TO BE USED FOR TRAINING, PURCHASING EQUIPMENT, PPE'S, AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST. Tab 5

10E. RESOLUTION NO. 2010-112 APPROVING THE PARKING LEASE AGREEMENT BETWEEN THE CITY OF WILLCOX [A LESSEE@] AND ROBERT BRUCE AND SANDRA KAY YUNGEWALTER [A LESSORS@] FOR PARKING LOT KNOWN AS PARCEL NO: 203-28-187 AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST Tab 6

11. PUBLIC HEARINGS, PETITIONS AND/OR COMMUNICATIONS

Communications: Mayor Lindsey read the First Reading of Ordinance NS301 Creating, Approving And Adopting City Code Title 6, Chapters 1 Through 6 [Police And Public Safety], By Reference, Repealing Title(S), Chapter(S), Section(S), And All Ordinances Passed And Adopted Relating To All Repealed Title(S), Chapter(S), Section(S), And All Ordinances Enumerated In Section 2 Below; and Tab 7

The Mayor read the First Reading of Ordinance NS302 Amending The Willcox City Code, Title 4, Chapter 1, Article A [Business Permit Regulations], Section 4-1A-11 [Sunset Clause], By Reference, Repealing The Current Section 4-1A-11 And Part Of Ordinance NS298 Relating To Repealed Section 4-1A-11 With All Remaining Provisions Remaining Unchanged As Enumerated Herein. Tab 8

Public Hearing: The Mayor announced that the Mayor and Council will hold two (2) public hearings on Monday, November 15, 2010 at 7:00 p.m., 300 W. Rex Allen Drive, regarding Ordinance NS301 Creating, Approving And Adopting City Code Title 6, Chapters 1 Through 6 [Police And Public Safety], By Reference, Repealing Title(S), Chapter(S), Section(S) , And All Ordinances Passed And Adopted Relating To All Repealed Title(S), Chapter(S), Section(S) , And All Ordinances Enumerated In Section 2 Below; and

Ordinance NS302 Amending The Willcox City Code, Title 4, Chapter 1, Article A [Business Permit Regulations], Section 4-1A-11 [Sunset Clause], By Reference, Repealing The Current Section 4-1A-11 And Part Of Ordinance NS298 Relating To Repealed Section 4-1A-11 With All Remaining Provisions Remaining Unchanged As Enumerated Herein.

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

12. **PRESENTATION BY NATHAN RUNDHAUG LIFE SCOUT AND EAGLE SCOUT PROJECT ON THE COLLECTION AND RETIRING CEREMONY OF TATTERED FLAGS** Tab 9
Nathan Rundhaug, Life Scout and Eagle Scout Project, addressed the Mayor and Council on his Life Scout and Eagle Scout Project on the collection and retiring ceremony of tattered flags. His project is replacing tattered Rotary and community flags. He invited residents of Willcox and surrounding area on November 20th at the Willcox High School football field for the ceremony of the disposal of the tattered flags. This project is to wrap-up his Eagle Scout award. The Rotary has been asked to set aside the tattered flags after Veteran's Day. Those flags will be replaced on Saturday November 13th in front of the Safeway on the first 50 tattered flags turned in. For the retirement ceremony he is short \$50 for retired Major to come and City Attorney Figueroa gave him the money. To properly dispose of the flags he will get help from the Elk's Club members and asked for assistance from the Mayor and Vice Mayor and local clergy and various dignitaries, and will be using fire pit stands. Also the Cub and Boy Scouts will be helping. At this time not sure how many flags anticipate replacing. Invitations were handed to the Council members. **APPLAUSE!**

13. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-106 APPROVING AND ADOPTING REVISIONS TO SECTION 517 (FLEET SAFETY POLICIES AND PROGRAM) OF THE WILLCOX EMPLOYEE HANDBOOK FOR THE PURPOSE OF REVISING THE MOTOR VEHICLE RECORD GUIDELINES; ADOPTING THE VEHICLE POLICY; ESTABLISHING THE EFFECTIVE DATE AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** Tab 10
-It was moved and seconded to approve Resolution NO. 2010-106, as stated, relating to the revisions to Section 517 (Fleet Safety Policies and Program) of the Employee Handbook-Vehicle Policy. It was moved and seconded to give all employees \$50. **CARRIED. ORIGINAL MOTION: CARRIED.**

14. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-107 FOR THE PURPOSE OF APPROVING AND AUTHORIZING A SELECTED OPTION FROM AMONG FOUR OPTIONS RELATED TO CITY EMPLOYEES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** Tab 11
-It was moved and seconded to approve Resolution No. 2010-107, as stated relating to the selection option from among four options related to City employees. **CARRIED.**

15. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-109 APPROVING AND ADOPTING THE USDA RURAL HOUSING SERVICE ["RHS"] AGREEMENT UNDER THE COMMUNITY FACILITY GRANT PROGRAM IN THE AMOUNT OF \$117,700.00 TO BE USED FOR PUBLIC LIBRARY IMPROVEMENTS AND EQUIPMENT, AUTHORIZING AND DECLARING AN EMERGENCY TO EXIST.** Tab 12
-It was moved and seconded to approve Resolution No. 2010-109, as stated, relating to the USDA Rural Housing Service Agreement to be used for Public Library Improvements and equipment. **CARRIED.**

16. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-110 APPROVING AND ADOPTING THE PAYMENT PLAN AGREEMENT ["AGREEMENT"] BETWEEN THE CITY OF WILLCOX ["CITY"] AND RONALD & CORRINE STOUT D.B.A. STOUT'S CIDER MILL ["STOUT'S"] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE PAYMENT PLAN AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.** Tab 13
-It was moved and seconded to approve Resolution No. 2010-110 as stated relating to the Stout's payment plan agreement. **CARRIED.**

17. DISCUSSION REGARDING CITY'S FINANCIALS AS OF SEPTEMBER 30, 2010

Tab 14

Finance Director Ruth Graham explained the City's Financials as of September 30, 2010. City Manager Pat McCourt stated the City is on track as far as income estimates and Franchise Tax came in as lump sums. We are as planned for deficit in General Fund and it is great up less than anticipated. City Sales due to lump sum looks like will be higher. State does do some audits and that is why lump sums came in.

18. REPORTS BY THE CITY MANAGER PAT McCOURT

Tab 15

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

- **Report on the Willcox High School Football Team**-the Cowboys beat Thatcher 21-20! The game against Benson was very exciting and Cowboys won 27-0! Friday is the first game of the playoffs Willcox against Thatcher.
- **Report on Library New Technology Tools Presentation**-Library staff presenting information on New Technology Tools. Without increase to the Library budget technology improvements will be available at the Library as training so that citizens when they buy them they can learn how to use them. The Library staff will provide assistance and offer free WiFi.
- **Report on change meet with Council members and public** –November 11th is Veteran's Day Holiday and the meeting with the City Manager and Council members and/or public is changed from Thursday, November 11th to Wednesday, November 10th at 4:00 p.m.
- **Report on Work Session Sales Tax Collection**-Revenue Delivery Services representative and invited LACT's Representative Tom Belsche to the work session on Monday, November 15, 2010 at 6:00 p.m.
- **Report on Septage**-staff reporting on update to the Septage. Appears City Code can only except certain strengths and have not been followed. This mandate goes back to the Clean Water Act Effluent Standards on the intake of publicly owned facility we are covered under it and have to establish standard which was done in 1990 & 1992. An option is to establish pre-treatment on the sludge to meet standards. These are built into estimate to upgrade WWTP and that does not help us today. Staff continues to work on ways to arrange pre-treatment and have couple of ideas and plan to meet with the haulers.
- **Report hold vacant position**-Public Services & Works Department is holding another position vacant in Streets Department pending Election results.
- **The Rotary Raffle encouraged to donate and reminded everyone tomorrow is Election Day!**
- **Façade on this building looks very nice and working on the landscape.**

(Return to Executive Session-recessed at 8:09 p.m.)

(Reconvened from Executive Session: 8:40 p.m.)

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

Councilman Johnson reported on the huge success last night at the Halloween at the Community Center. Note to staff Stewart/Wilson, Bowie/Cochise and closer to McCourt the pot holes are so big we could lose a Volkswagon. Don't forget to vote tomorrow.

20. ADJOURN-8:44 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 and 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.