

**CITY OF WILLCOX
MAYOR AND CITY COUNCIL
AGENDA-Statement of Legal Actions!
Monday, April 16, 2012
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. 2012- 36
Ordinance NS311**

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1. **CALL TO ORDER** –Mayor Gerald W. Lindsey called the regular meeting to order on Monday, April 16, 2012 at 7:20 p.m. appreciates their patience because the prior meeting went over time and welcomes all here tonight and invites participation and glad to have them here.

2. **ROLL CALL**

PRESENT

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

ABSENT

Councilman Bill Holloway

STAFF

City Manager Pat McCourt
City Attorney Hector M. Figueroa
City Clerk Cristina Garcia 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**-There was no response from those present.

5. **DECLARATION ON CONFLICT OF INTEREST**-Councilman Donahue declared a conflict on agenda item #9 relating to the NCCH Golf Tournament. 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 with the removal of the Consent Agenda item 8A relating to the Financial Reports to regular item; remove agenda item #16 relating to Resolution No. 2012-35, WWTP; and remove agenda items 19, 20, 21 & 22 relating to Executive Session.

7. **PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**

Tab 1

Public Hearing: In accordance with ARS §9-499.15, Public Notice: The Mayor and Council will hold public hearings on Monday, May 7, 2012 and Monday, May 21, 2012 at 7:00 p.m. in the City Council Chambers, 300 W. Rex Allen Drive, Willcox, AZ, regarding the Notice of Intention to Increase Utility Rates and to consider the implementation of revised FY13 Utility Rate Schedules for the Gas, Water, Wastewater, and Solid Waste utilities.

Proclamation: Mayor Lindsey proclaims April 15-21, 2012 *National and Willcox Volunteer Week*

Tab 2

Mayor encouraged and thanked those that do participate as volunteers as service that they render to our citizens and it is appreciated. As City recognize them. Library Director Miner asked the Volunteer Coordinator and Library Supervisor to accept the Proclamation on the Library's behalf. Councilman Johnson wished to recognize the group seating upfront who are the four (4) individuals involved with the Veteran/Viet Nam Memorial and thanked them for doing that and their volunteerism. **APPLAUSE!**

8. 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 on the City's web site or 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.

8A. FINANCIAL REPORTS THROUGH MARCH 31, 2012-Per motion removed from Consent. Tab 3

Finance Director Ruth Graham reported on the Funds which we are at 75% of the year. General Fund budgeted \$904,000 at 75% used \$130,398 and if we compare year ago we had \$220,000 so situation is better this year. Received 66% General Fund Revenues and Expended 59% of budgeted. Expenses are being held down in relation to the revenues that are coming in. A review was made of each Fund.

9. DISCUSSION/DECISION REGARDING PARTICIPATION IN THE NCCH 16th ANNUAL GOLF TOURNAMENT Tab 4

It was moved and seconded that any City staff or Council wanting to participate on their own in the NCCH 16th Annual Golf Tournament. **DISCUSSION:** City Attorney stated that he and his wife "Nakai's" on behalf of the City will donate to the scholarship fund. **VOTE:** Ayes-Mayor Lindsey, Vice Mayor Cronberg, Councilmen Johnson, Klump, and Irvin. **Nays-None. Declared Conflict Councilman Donahue. CARRIED 5-1-1 (Absent-Councilman Holloway.)**

10. DISCUSSION/DECISION REGARDING OFFER OF CITIZENS TO TAKE CARE OF THE FLAGS IN Tab 5 RAILROAD PARK. It was moved and seconded to accept the offer from citizens to take care of the flags in Railroad Park. **CARRIED.**

11. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-30 APPROVING AND ADOPTING THE Tab 6 GRANT FROM THE UNION PACIFIC FOUNDATION FOR THE PURPOSE OF APPLYING FOR \$5,000.00 TO BE USED FOR THE HISTORIC MASCOT & WESTERN PASSENGER CAR AND DECLARING AN EMERGENCY TO EXIST.-It was moved and seconded to approve Resolution NO. 2012-30, as presented, to accept the grant from Union Pacific Foundation for the staging area in front of the Mascot & Western Car. **DISCUSSION:** Zoe stated to the Mayor and Council and the City's partnership with last year's Steam Train. Arizona Centennial is this year and Union Pacific also celebrating 150 years. They continue to share and preserve collective history. Inviting community of Willcox to do two (2) things; go to the website UnionPacific150.com where they are starting to gather history and individuals with personal ties to submit a lot of stories; and (2) understand continue to have need for non-profits organizations to apply for UP Foundation Grants and go to UnionPacific.com and go to Foundations and have until August 15 to apply for beautification or restoration projects. Ms. Zoe presented check for \$5,000 and thanked the City for applying and continuing partnership. **CARRIED. APPLAUSE!**

12. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012- 31 APPROVING AND ADOPTING Tab 7 THE CHIP SEAL AWARD TO WESTERN EMULSIONS ["CONTRACTOR"] IN THE AMOUNT OF \$37,886.20 (+) \$85.00 FOR TANKER UNLOADING FOR THE PATTI ROAD IMPROVEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST-It was moved and seconded to approve Resolution No. 2012-31, as stated, relating to approving and adopting the chip seal award to Western Emulsions. **CARRIED.**

13. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-32 APPROVING AND AUTHORIZING Tab 8 THE SUBMISSION OF AN APPLICATION TO THE STATE FARM YOUTH ADVISORY BOARD PROGRAM FOR THE PURPOSE OF APPLYING FOR A YOUTH-DIRECTED SERVICE-LEARNING ACTION GRANT IN THE AREA OF "ACCESS TO HIGHER EDUCATION/CLOSING THE ACHIEVEMENT GAP", AUTHORIZING AND DIRECTING CITY STAFF TO SUBMIT SAID APPLICATION AND DECLARING AN EMERGENCY TO EXIST-It was moved and seconded to approve Resolution No. 2012-32, as stated, relating to approving and authorizing the submission of an application to the state farm youth advisory board program for the purpose of applying for a youth-directed service- learning action grant. **CARRIED.**

14. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-33 APPROVING AND ADOPTING THE REVISED BULK WATER FILL STATION BID FROM SMYTH INDUSTRIES ("CONTRACTOR"), AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST** –It was moved and seconded to approve Resolution NO. 2012-33, as stated, relating to Bulk Water Fill Station Bid from Smyth Industries. **CARRIED.** Tab 9

15. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-34 APPROVING AND AWARDDING THE BID CONTRACT TO EMPLOYEE SOLUTIONS GROUP ("ESG") PURSUANT TO THE RFP BID FOR SPECIFIC EMPLOYEE INSURANCE BENEFITS PLAN AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**-It was moved and seconded to approve Resolution NO. 2012-34, as presented, relating approving and awarding the bid contract to Employee Solutions Group. **CARRIED.** Tab 10

Removed from agenda per motion.

~~16. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-35 APPROVING AND AWARDDING THE WASTE WATER TREATMENT PLANT ("WWTP") BID TO SEVERN TRENT ENVIRONMENTAL SERVICES, INC. ("CONTRACTOR"), AUTHORIZING THE EXECUTION OF THIS RESOLUTION AND CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.** Tab 11~~

17. **REPORTS BY THE CITY MANAGER PAT MCCOURT** Tab 12

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

- **Report on City Election** – General Election to be held on Tuesday, May 15, 2012, for one (1) position. William "Bill" Nigh on the ballot. Nomination papers from write-in candidates were due Thursday, April 5, 2012. There are three (3) Official Write-In Candidates and their name(s) will not appear on ballot. They are Linda Sue Ball, Richard Bennett, and Wm. Kelly Rowden; Request for early Ballots begins April 19, 2012 by calling Cochise County Elections at 1-520-432-8354 or 1-888-457-4513.
- **Report City Clean Up April 28, 2012**-starts at 7:30 a.m. at Railroad Park joint with City and Chamber. City crews working on Friday the 27th.
- **Update on the Energy Efficiency Conservation Block Grant**-Told us great job we did and encouraged us to apply and the City of Willcox was not selected for award which was to be used at the Fire Station #2.
- **2012 Newly Elected Officials Training**, June 1-2, 2012 at The Wigwam Resort, Litchfield Park Cost is \$170.00 per person. Asked all candidates to check calendars this is excellent program by League. There appears to be sufficient funds if schedule allows the Newly Elected Officials to attend.
- **Mayor/Managers Luncheon in Bisbee**- Thursday April 26 and RSVP to Clerk's Office or his office if plan to attend.

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

Councilman Donahue reported that as he wraps up his Council term finds tonight an opportune time to mention the following: we talked a little bit tonight about the financial reports and one of the things that came up was that we have surplus in some of the funds. He thought it was interesting because the reason we have surplus is because we have a Cost of Living Adjustment every year and the rates go up automatically. And he thought it was really interesting that the Employee Solutions Group representative said that insurance rates typically rise 10-12% per year. Councilman Donahue wanted to make this comment as he is leaving the Council: "I am not Nostra Damus and I am not claiming to be, but I can tell you one thing for surety and you can come back to me in 5-years to discuss it: everything is going to be more expensive next year than it was last year." When they put into these funds and they raise rates and they have a surplus the "City is never going to get hurt by that." As Mr. Bonner pointed out tonight we have a great infrastructure project coming up and when you run a surplus you can reinvest in infrastructure. Since his time is limited took opportunity to share with you his opinion about the future. Thank You for your time.

Removed from agenda per motion.

~~19. **DISCUSSION/DECISION ENTER INTO AN 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** Tab 13~~

~~20. **RECESS TO EXECUTIVE SESSION, IF APPROVED**~~

~~21. RECONVENE FROM EXECUTIVE SESSION~~

~~22. DISCUSSION/DECISION/DIRECTION TO STAFF REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION~~

23. ADJOURN-8:27 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, 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.