

**THE MINUTES OF THE SPECIAL MEETING OF THE
MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX,
ARIZONA HELD ON THIS 12TH DAY OF JUNE 2006**

CALL TO ORDER:

Mayor Elwood A. Johnson called the special meeting to order at 6:06 p.m., on Monday, June 12, 2006.

ROLL CALL:

PRESENT

Mayor Elwood A. Johnson
Vice Mayor Phillip Rodriguez
Councilman Joseph A. Long
Councilman Phil Stratton
Councilwoman Monika Cronberg
Councilman Robert Sherwood

STAFF

City Manager Darol Cridlebaugh
City Attorney James E. Holland
City Clerk Cristina G. Whelan, CMC
Public Safety Dir. Jake Weaver
Public Svcs & Works Dir. Ryan Benavides
Utilities Supervisor Lupe Perez
Streets Supervisor Jesus Esqueda

ABSENT

Councilman Jimmy Norris

OTHERS PRESENT

Susan Pater James Graham Marlin S. Easthouse Arizona Range News-Ainslee Wittig

PLEDGE OF ALLEGIANCE

Mayor Johnson.

CALL TO THE PUBLIC

There was no response from the public present.

DECLARATION ON CONFLICT OF INTEREST

There was no response from the Mayor or Council members or staff.

ADOPTION OF THE AGENDA

MOTION: Councilman Long moved to adopt the agenda as presented.

SECONDED: Vice Mayor Rodriguez seconded the motion. **CARRIED.**

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Public Hearing: The Mayor and Council will hold a public hearing on Monday, June 26, 2006 at 6:00 p.m. in the City Council Chambers 207 W. Maley, Willcox, AZ, Regarding Application for a Liquor License Series #09, Interim Permit, Person Transfer (Liquor Store) by Manuel Romero Gaeta, Romero's Licores LLC, (Milo's Liquors), 144 S. Haskell, Willcox, AZ.

All members of the public are invited to attend such meeting. For those persons unable to attend, written comments will be accepted until 4:00 p.m. the day of the public hearing in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, AZ 85643.

DISCUSSION/DECISION REGARDING POLICE/COURT FACILITY

Mayor Johnson stated on agenda thinking on putting the floor plan that modular solutions put together. Wants to nominate a committee to move forward, get it resolved. He asked Public Services & Works Director Ryan Benavides,

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Administrator of Development Services Dave Bonner, Director of Public Safety Jake Weaver, and Magistrate Gary Hatch as interim, Councilmen Stratton, Norris and the City Manager.

Councilman Long asked why is the floor plan that has been put together “not good.” Chief Weaver replied staff put it together and submitted it to them for CAD program. This is plan police and court put together. Councilman Stratton asked him is it acceptable and the Chief said responded “yes it is and some changes are needed.” Need to adopt floor plan to get approval from National Crime Terminals and network and State and Federal need to be sure it will not be compromised. Chief Weaver, Magistrate Hatch, Patricia Ferguson and Jose Rios put it together. Mayor Johnson stated he had thought Modular Solutions had put it together. The Chief stated he sat down with Steve Dixon from PinnacleOne and Mr. Dixon drew it out with measurement and given to Mr. Dixon who sent it to Mitze Garcia. Few areas need correction and changes. Want additional literature to make minor changes to floor plan such as a few door ways.

Mr. Benavides stated he agrees with Chief Weaver. The design was done by City of Willcox then Modular Solutions for CAD program. The design is ready to be approved. They need to know to go forward with negotiations with Modular Solutions. There will be some changes. The committee the Mayor wants to put together he asked are we going forward with Modular Solutions. Mayor Johnson gave handout to Mr. Benavides from Mohave and wants to meet with them and get it approved. He will make copies for all the Council members. Councilman Long asked then do we need motion to approve floor plans with Modular Solutions or not. Mayor Johnson replied we need to approve the plan.

City Manager Darol Cridlebaugh recommendation is to not act with floor plan until committee meets and talk with Modular Solutions. He has no qualms on floor plan just wants to clarify whose plan we are adopting so that we do not pay Modular Solutions for their plan. City Attorney James Holland added this is just a sketch. Councilwoman Cronberg asked if that is the sticking point and just get general approval for department approval for Mayor and Council to approve. Mr. Holland thinks the sticking point is if the Mayor and Council want to go with Modular Solution to have this building built or someone else. Everybody is in agreement and staff is comfortable with it and so long as there is nothing from keeping it from happening. Councilwoman Cronberg stated if this is the plan that City staff has developed, and then have committee work with Modular Solutions to see if that plan can be implemented. Councilman Stratton does not think it is propriety property to Modular Solutions and he has 2-other mod places that figured prices over the next 2-days he should receive this and get more information and move forward rapidly. Agrees this is the way to go and save a lot of bucks. Councilman Long stated adopt floor plan which belongs to City, they ran it over machine and needs a few modifications and we are still undecided on the type of building. Understands Councilman Stratton has more mod companies that he has contacted. City Attorney Holland added we have access to couple of mod buildings through Mohave, and those have already been approved, and we need to go through process to get it done. Modular Solutions still need to get state and City requirements since only approved by Federal Government. Councilman Stratton thinks if the committee can go and talk to these people and get it moving rapidly and get a better building than Modular Solutions and for less money. City Attorney said “I hope you are right.” Councilman Long stated that all the material the council has received has to be turned over to staff and committee so that they can work on those instead of the council. So that staff can do there job and if keep interfering going to prolong and cost us more money. The price keeps going on.

MOTION: Councilman Long moved to approve floor plan Police Department and Court has put together with minor changes and bring it to the Mayor and Council for approval.

SECONDED: Vice Mayor Rodriguez and Councilwoman Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING CAPITAL EXPENDITURES BUDGET

City Manager Cridlebaugh stated this report includes equipment and capital purchases. Most equipment has already been seen when we did departmental budgets. He has put them here on basis because long term assets more than one year. Involve extra large expenditure and issue pay for them out of cash or cash flow or seek financing because of the size of the expenditure.

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Public Safety Department: 4-large improvements (1) \$1.8M total cost of project estimated including site acquisitions, preparation and landscaping and cost of building. This is carry over from prior year. (2) Street Improvement: Austin \$3.3M budgeted for that. Carry over from prior year and increase \$1.1M over prior year. Cost ran more than projected and added Austin Boulevard. Cochise is listed separately \$177,000 part of contract but not a part of Arizona bond which we are paying for that separately. (3) Is the Gas regulator carry over estimated \$400,000 and project not done this year rolled over and estimate cost increase to almost \$1.6M includes cost of engineering for the projects? (4) Is the completion of the new well and tank and carry over estimated cost after first year \$1.2M. It can be a little high depends on how much is accomplished before the end of the month.

Police/Court facility, water well and the street construction are existing projects carrying over for completion next year. Gas regulator is carryover but it is new because has not been initiated and we have not funded it.

Councilman Long said the gas regulator does not include the refurbish of existing regulator station. Just includes engineer. Public Works Director Benavides replied it covers everything. Gas regular is not the most expensive in regards to the overall of the project. Approximately the cost is \$100,000. The expensive is to tie in and run 4-miles of pipe line to get to source or tap. Our hang up is where we will do the tap into the existing which is 4-miles to the north and Jonnie Drive is about 5-miles, plus we have easements, and right-of-way issues. It has to be engineered for the whole process. That will be expensive. His staff has received the City of Benson's plan because it mirrors ours and we can get engineers cheap but pipe line is expensive. Mayor Johnson asked what is the cost to refurbish the old station and Mr. Benavides replied his estimate is about \$40,000. Councilman Long stated once we get new regulator open and operating shut it down and new takes all. Mr. Benavides replied "yes sir, absolutely." This regulator station was put in 1947 and we have one of the values we hold is the only replacement and needs to be taken off line. Other options staff has talked to SouthWest Gas if they could sell us gas and they only have ¾ to 1-mile pipe line or put gas regulation station in Quail Park but SouthWest Gas stated right now it is not legal to do. But they are looking for ways to potentially sell us gas. Had conversations prior to his injury and as soon as returns to work will continue. Vice Mayor Rodriguez asked if it is our property and Mr. Benavides said it is our property and acquired easement about 2-years ago. He also asked where the line is located and Mr. Benavides replied it is on Old Stewart Road near pressure station that El Paso just put in.

Mr. Cridlebaugh stated that this is large dollar and does not think we will spend it all for the next 12 months he has put it in so that we have authorization. Vice Mayor Rodriguez asked if going to raise cost to pay for it. The City Manager recommendation is Gas Revenue Bonds because we do not pay in cash at that point. Each year program Debt Service on the bond same as we have done on water and sewer. Customers would be paying for the use of the system. The Vice Mayor asked what is estimate per year and Mr. Cridlebaugh said he will try to develop that estimated number and report back next week.

Councilman Long said if he is correct: if we do this on the Bonds or don't do bonds then we will not put in regulator station. The City Manager replied that is correct because we do not have the money. Thinks good funding sources USDA similar to water system they make loans and grants or GADA through the State. They issue State Bonds with high credit and low interest and we pay debt service to them. There are other subsidizes to help with issue cost.

Staff Automobile – Councilman Long noticed it is still used and has now read it is unsafe to drive. Mr. Cridlebaugh explained it has not been officially declared unsafe although reports from staff regarding the front seat which you can not sit up and windows are cracked and he recommends sell it. Chief Weaver stated it is a 1993 K-9 vehicle with over 100,000 miles. Councilman Long asked what is the oldest police vehicle is it 1999 or 2000 and if any are in good enough shape to be an administrative vehicle to be used as a dependable vehicle at this time. The Chief replied comfortable is not as sad condition as staff vehicle. Councilman Long asked if there is one we can put in and delay \$20,000 for one year or go out and look for a low mileage vehicle which is large enough to haul 4-5 people when they travel. Chief Weaver stated it is better to go purchase a used vehicle other than a used police vehicle. Councilman

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Long's dealings with automobiles we will spend \$20,000 on a vehicle without bells and whistles. A good used vehicle with 40-60,000 miles we could buy it for half that price. Chief Weaver stated that unless inspected by mechanic and finds it sound. Councilman Long suggested replace and use that money in motor pool and recommends looking at a good used vehicle. There are a couple of places in town, Safford and Benson. He asked if State deals with that and the Chief replied only if surplus vehicle. Councilman Stratton said if he had a garage he would check it out. Councilman Long said he is not volunteering for that burden and he does not have an axe to grind with staff. It would have to go through dealer to be certified. Mayor Johnson asked cost for last Crown Vic and Chief replied if not police vehicle he can not give cost but it could be from \$14-\$15,000 for used vehicle. City Manager Cridlebaugh stated he is not necessarily looking at a new car thinking of a better good used car. When approve the dollars here not committing to spending them right away more allowance for the future. Last year held moratorium for 9-months. Councilman Long added then it still has to come to the council for approval.

Back Up computer system – it is a serious exposure on backups on main computer system. This is to provide tape drives and server storage space to allow us to do daily backup to entire system. Mr. Benavides stated if we lose system we do not have a back up. Mr. Bonner said service tape we change them in and out as system running instead of taking it down to put additional storage. Tape storage is higher capacity than what we are using right now. Ms. Graham stated there is possibility IKON finance \$20.70 per thousand. If we have \$64,000 we can not use all modular from Casselle, plus \$50,000 estimate to do imaging to have all minutes on line, \$2400/month or a 5-year lease and not have major capital outlay. We are very much at risk and we are required to have it. Councilman Long asked where we could generate monthly payment from. It is State requirement and also for our protection but we need to figure out how to generate those funds or slash. Ms. Graham stated staff could seek grants but we can not ignore our server. Purchase does not have to be made today. If get item in budget then leeway to try to implement. Staff would be able to obtain Ordinances and Resolutions. Mayor Johnson added then accessible to the general public. Ms. Graham said analysis without public record request do not want to make all accessible but makes it more accessible to city staff. Also permanent record system and we need to make decision what is available to the public. Mr. Benavides said it takes the City Clerk 3-days if she is busy and puts pressure on her. This is tool to bring us into 21st Century. Councilman Long stated if doing documents accessible on-line what we decide to do then approximately another \$50,000.

Councilman Stratton said he understands we look up land ownership for public. Ms. Graham said it is for our own land ownership for CDBG grants. And Mr. Benavides said they do that to a certain extent at Public Works if it is easily accessible. The Mayor said for budgeting then looking at \$25,000 for the next 5-years and Ms. Graham said \$2400/month on the \$114,000. Vice Mayor Rodriguez asked to get it from VTC and Mr. Benavides replied it would be financed through IKON. We are tied with VTC and the Vice Mayor asked if they would still take care of it. Mr. Benavides replied the main server but the other they can opt not to. VTC is the one that wants us to look at this system or we spend over \$28,000 for 5-years. The Vice Mayor asked if staff has looked at SSVEC's to get an idea and Ms. Graham replied she has not.

Patrol: 4-video cam for Police Department Patrol Unit and 4-autos.

Improvements to Library 20% debt limit and the \$155,000 can only be spent for library and we can not spend it elsewhere.

Parks – Keiller Park fields #1 and #2. Need to be upgraded. It has original system and with our new system popping lines. There has nothing been done to the lights since they were put in. The SSVEC insurance does not cover for workers to work on those lights. Contacted AEPCO same or \$185/hour and they have to do the work at night. They are going to adjust light and point them properly and one light needs to be in balance. The Vice Mayor asked if talked to electric retirees. Mr. Benavides replied he called his brother who is licensed on his own time pro bono. But he has to be covered by someone's insurance and he cannot be covered by ours. The Vice Mayor said AEPCO has truck and Mr. Benavides said Sturgeon is the only one that has them. They will help the schools but not City government.

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Cochise Avenue - \$170,000 expect to receive contributions about \$50,000. Mr. Bonner has communicated with all 5-business along Cochise and a couple of the businesses basically said go away. Received positive feedback but we do not have commitment. \$10,000 has been committed from Dollar General Property owner and working with Dollar General and Motel 6 very positive feedback. Staff did get funding from Auto Zone and ADOT. Mayor Johnson asked if negotiate lowering that into contract. Mr. Benavides replied that was negotiated before the price came in. Next lowest was \$220,000. The City Manager stated total included in contract with Granite and contributions applies to contract or \$120,000.

Street Improvements – based on estimate received from 1% Sales Tax less \$615,000 or \$204,405 for street improvements. The Vice Mayor said also helps to pay for the Bonds and Mr. Cridlebaugh said less than half will go towards paying those bonds. Year-to-year future hopefully revenues increase from 1% as sales go up but operating expenses should go up and should see \$200,000/year. Once HURF paid then that opens up another \$100,000. Bonds are paid semi-annually.

Arizona Avenue & Austin Boulevard – from General Fund estimate \$5.9M. \$3.3M Street Bonds, \$1.5 Library, Police and \$50,000 for Cochise Avenue, and \$243,000 from lease purchase financing. As municipality if we do a Master Lease Purchase where put server, several capital purchase in one package and finance and pay over 5-7 years. Similar to how we finance the automobiles. Another source of funds is the sale of property. We have real estate property lots along Ft. Grant Road that the City Manager thinks are valuable to raise revenue for capital improvements and he has put in \$500,000 estimate. Then he has taken \$469,999 out of cash reserves or LGIP. This year we did well because held expenditures down and used those funds to finance capital projects. We have about \$3M in LGIP that are in reserve. Some part of that we can use to get capital program i.e. police/court facility to get it completed.

Expenditure page: Capital Purchases – pothole machine and pick-up dump truck \$18,450 and split amongst 3-utilities fund. Gas line improvements estimated at \$59,750 for gas regulator.
Water system-1/3 equipment items, \$51,100 for work on new well and tank.
Sewer-1/3 equip again, improvements to sewer mains of \$68,000
Cemetery capital improvements \$35,000 for curbing and expansion and has to come out of LGIP. The expansion is the perpetual area because it is nearly full.

Revenue where finance improvements: 2-equipment items lease purchase finance if did with Master Lease Purchase
Gas regulator
Cash flow for improvements to gas
Water lease purchase, USDA loan grant to complete well and tank. \$51,000 cash flow water system
Sewer cash on system improvements
LGIP funds for Cemetery Fund.

This is last part of puzzle and shooting to present next week. Running out of time and allow him come back with proposed 2-weeks for the 26th to compile and put together.

Councilman Long asked about Equipment Software Finance money in grants and put in budget and figured out. Gas Bond what is it going to do to the cost of the customers. Vice Mayor Rodriguez said right now went up and going up so much per year. City Manager guesses about \$150,000/year depending on bonds and we have about 1,500 gas customers. Councilman Stratton said basically \$1/month per customer. The Vice Mayor stated that the new houses being built a lot are looking at going all electric. If we do not gain more customers the 1,500 are going to have to pay for all this. Mr. Cridlebaugh replied part of basis would be growth and expansion of the City. Mr. Benavides emphasized that this regulator station can not be used for expansion. Vice Mayor asked where are gas lines outside of town go. Mr. Benavides replied said down Taylor and onto Ten Gallon and Mr. Perez said it serves about 75 people. Councilman Stratton asked how we ended it up. Mr. Marlin Easthouse said the City had service in the 60's and they pay premiums over and above what residence pay in City. Range in Bonding would be \$10/month to generate \$150,000.

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City Manager Cridlebaugh has received information from Public Work's estimated 5-year capital plan and wants to review it on the 19th meeting. He, Ms. Graham, Mr. Benavides and Councilman Johnson will review. City needs to get into this long range planning and we need to look at numbers down the road not just current year.

COMMENTS ONLY, NOT FOR DISCUSSION, BY THE COUNCIL MEMBERS

Councilman Sherwood reported this past weekend he and Councilwoman Cronberg attended the LACT's Newly Elected Officials Conference. ASU gave them lots of resources and lots of interesting education.

Councilwoman Cronberg reported the Conference was very educational, very overwhelming, she's excited to explore further and pleased she was given opportunity to attend and very worthwhile.

Councilman Stratton invited everyone to the Candidates Forum at the school to replace Kolbe, etc.

Vice Mayor Rodriguez reported he attended the 2006 Economic Forum Thursday regarding Benson's growth is going to be. Smith Ranches will be on the ballot and it is predicted that Benson's growth by 2010 growth to be 20,000 people. He thinks we need to bring in Eurofresh and big employers and say this is what we have to offer and try to have a forum here. Talked with director and with Gilbert costs about \$20,000 and has talked with several to get it going here. Bonita Nursery added 6-more sites but problem with not enough workers. It will bring realtors and others. It was a good eye opener for him the amount of projected growth in Benson.

Mayor Johnson reported he attended SEAGO meeting last Saturday. CDBG funds submitted for Willcox on Community Center and should know by 15th.

REPORTS BY CITY MANAGER DAROL CRIDLEBAUGH

Consideration on reports by the City Manager

Future Items:

- 1) **Mayor's/Manager's Luncheon** – Thursday, June 29, 2006 in Benson, attending Mayor Johnson, Vice Mayor Rodriguez and Councilman Stratton. Clerk directed to post quorum possibility.
- 2) **Joint Work Session** with Planning & Zoning Commission, Wednesday, June 14, 2006 at 6:00 p.m. regarding proposed rewrites of Title 16 Subdivisions and Title 17 Zoning of the Willcox Municipal Code prepared by W. C. Scoutten. They will be here to answer questions. Vice Mayor asked if this is part of last week discussion on Ordinance and Mr. Bonner said those Ordinances will be incorporate into the new Title 17.

DISCUSSION/DECISION TO ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES § 38-431.03A(1) - DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DEMOTION, DISMISSAL, SALARIES, DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY, EXCEPT THAT, WITH THE EXCEPTION OF SALARY DISCUSSIONS, AN OFFICER, APPOINTEE OR EMPLOYEE MAY DEMAND THAT SUCH DISCUSSION OR CONSIDERATION OCCUR AT A PUBLIC MEETING. THE PUBLIC BODY SHALL PROVIDE THE OFFICER, APPOINTEE OR EMPLOYEE WITH SUCH NOTICE OF THE EXECUTIVE SESSION AS IS APPROPRIATE BUT NOT LESS THAN TWENTY-FOUR HOURS FOR THE OFFICER, APPOINTEE OR EMPLOYEE TO DETERMINE WHETHER SUCH DISCUSSION OR CONSIDERATION SHOULD OCCUR AT A PUBLIC MEETING.

Consideration, discussion and/or decision regarding to enter into an Executive Session pursuant to ARS §38-431.03A(1), regarding the termination and severance of the current City Manager and contract of newly appointed City Manager.

MOTION: Councilman Long moved to go into Executive Session, as stated.

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

RECESS TO EXECUTIVE SESSION, IF APPROVED

Mayor Johnson recessed the regular meeting at 7:20 p.m.

RECONVENE FROM EXECUTIVE SESSION

Mayor Johnson reconvened the regular meeting at 9:20 p.m.

DISCUSSION/DECISION REGARDING THE CURRENT CITY MANAGER POSITION

MOTION: Vice Mayor Rodriguez moved that we do not renew his contract as of June 30, 2006.

SECONDED: Councilman Long seconded the motion.

AMEND MOTION: Councilman Long moved to restate his motion with amendment that we do not extend Darol Cridlebaugh contract after the end of June. Compensation is to be paid per his contract for his unused sick pay and his vacation time.

AMEND SECONDED: Councilman Sherwood seconded motion. **AMENDMENT CARRIED.**

ORIGINAL MOTION: All Ayes. **CARRIED.**

DISCUSSION/DECISION TO RATIFY OFFER OF CITY MANAGER POSITION TO MICHAEL LEIGHTON

MOTION: Councilman Long directed staff to continue negotiations with Michael Leighton

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING NEWLY APPOINTED CITY MANAGER CONTRACT

Died for lack of motion.

ADJOURN

There being no further business before the Mayor and Council Mayor Johnson adjourned the regular meeting at 9:25 p.m.

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CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the City Council of the City of Willcox held on the 12th day of June 2006 and I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of June 2006.

/S/ Cristina G. Whelan, CMC
City Clerk Cristina G. Whelan, CMC

PASSED, APPROVED AND ADOPTED this 18TH day of SEPTEMBER, 2006.

/S/ ELWOOD A. JOHNSON
MAYOR ELWOOD A. JOHNSON

ATTEST:

/S/ Cristina G. Whelan, CMC
City Clerk Cristina G. Whelan, CMC