

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

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DECEMBER 12, 2013
COUNCIL ACTION

I. PROCEDURES:

- A. Call to Order Mayor Moore called the meeting to order at 7:00 p.m.
- B. Pledge and Invocation Officer Bob McCarty led the pledge of allegiance, and Chris McCarty offered the invocation.
- C. Roll Call Mayor John Moore, Vice Mayor Don Dent, and Councilmen Craig Fritsinger, Bernie Hiemenz, Frank McNelly, and Lee Payne were present and constituted a quorum. James Wurgler was absent. Present from City Staff were Brandon Buchanan, City Manager, Police Chief Herman Nixon, Finance Director Keith Buonocore, Building Inspector Tim Pettit, and City Clerk/HR Director Susan Kerley. Brandon Kavanaugh, representing Mangum, Wall, Stoops and Warden, was present.
- D. Approval of Minutes November 14, 2013 Councilman McNelly made a motion to approve the minutes as presented. Councilman Fritsinger seconded the motion, and it carried 5-0.

II. PRESENTATIONS

- A. Commendations for Bob McCarty, Robert Anderson III, and Jason Nicolls and introduction of Cameron Smith: H. Nixon
Chief Herman Nixon recognized Officer Nicolls because, as a result of responding to a call for abandoned water bottles that had been made into bombs, Officer Nicolls took it upon himself to arrange for the DPS Bomb Squad to do presentations for the local school regarding bombs.
Bob McCarty, who was a detective with the Police Department for 10 years and later School Resource Officer, is now working with the detective. Officer McCarty was looking for individuals who were threatening members of the community on Facebook and burglarized guns from a local residence. He found the guns in the Valley and put together a case against the Juggalos, a gang with a local presence.
Officer Robert Anderson attended high school here and played football. On November 14th, he went to a call at a local hotel where he found a female who had suffered a heart attack. He gave her CPR and defibrillation. Although she did not survive, Officer Anderson gave her a chance. He was given a lifesaving award.

III. PUBLIC PARTICIPATION - None

IV. CONSENT AGENDA ITEMS

- B. Approval of Purchase Orders: K. Buonocore Councilman Fritsinger made a motion to approve the Consent Agenda Items as presented. Councilman Hiemenz seconded the motion, and it carried 5-0.
- C. Approval of Check Register for Month Ending October

31, 2013: K. Buonocore

CONVENE TO PUBLIC HEARING

There were no public comments.

Pursuant to A.R.S. 9-462.04, the public will be heard on its comments regarding amendment to Zoning Code to add “Microbreweries” as an allowed use in Central Business District zones.

RE-CONVENED TO REGULAR SESSION

VI. NON-CONSENT AGENDA ITEMS

- D. Council may adopt Ordinance No. 937, adding a definition of “microbrewery” and designating an allowable use in CBD areas: J. Moore
- Mayor Moore explained that this amendment has been before the Planning and Zoning Commission. They recommended approval. Councilman McNelly asked why there is a rule that they have to serve samples on premises. Tim Pettit replied that this is to keep the businesses commercial rather than becoming industrial. Susan Kerley read Ordinance No. 937 by number and title only. Councilman Dent made a motion to adopt Ordinance No. 937. It was seconded by Councilman Payne and carried 5-0
- E. Council may adopt Ordinance No. 938, repealing the previous Williams City Code Title 2- Administration and adopting Williams City Code, Title 2, Revised December 2013 (*Tabled from 11.14.13 and 10.24.13*): B. Buchanan
- Councilman Fritsinger asked why, under the City Manager section, it goes from “at will” to an employment agreement. Attorney Brandon Kavanaugh explained that this is stated in the City Code to make certain that an employment agreement with the City Manager is not contradictory to Code. The requirement for living in the City was changed for the Finance Director. Item E was tabled for a few minutes so that the Attorney might research this point. When Council returned to this item, Brandon Kavanaugh said it is allowed by State Law that the person in this position is not required to live within the City limits. He said the State publishes a list of municipal employees that are required to live within the City by whom they are employed. Councilman McNelly asked what is considered “cause” in the Magistrate section. Brandon Kavanaugh said the main concern is that the Magistrate cannot be under control of the Council. What could become cause would be the failure to act appropriately or participating in criminal activity. It shows that the Magistrate is not acting at the will of Council. Councilman Fritsinger asked about a change under *Boards and Commissions*. It would allow filling spots with residents from areas not in town. The change states that the majority of each Commission or Committee must live in the jurisdiction in which they serve. Both Mayor Moore and Councilman Dent believe that Planning and Zoning is an exception to this rule. After research, Brandon Kavanaugh said the only requirement is that each body must have at

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least five members.

Susan Kerley read Ordinance No. 938 by number and title only.

Councilman McNelly made a motion to adopt Ordinance No. 938. The motion was seconded by Councilman Hiemenz, and it carried 5-0.

- F. Council may adopt the City of Williams 2013 General Plan (Tabled from 11/14/13): Rick Counts, Counts Planning

Councilman McNelly made a motion to adopt the 2013 General Plan. Councilman Fritsinger seconded the motion, and it carried 5-0.

- G. Council may approve the Conceptual Design for Boulderview Way Crossover Plan (Purdy Turn-In): B. Buchanan

Mayor Moore said this is at the east end of town and is an on-going project. He's discussed this design with Chief Nixon who is o.k. with safety issues.

Councilman McNelly wanted to make it clear that the crossover has nothing to do with the development. Approving the Conceptual Design for Boulderview Way Crossover Plan would carry no endorsement of the development by the City.

Councilman Fritsinger asked if the developer will bear the cost, and Brandon Buchanan replied in the affirmative. Mayor Moore said that it will add to the aesthetics of the area, and that will benefit the City.

Councilman Dent reviewed the configuration: Two lanes until it crosses over the hill (eastbound). It drops to one lane (westbound) over the hill. As you approach the turn-in, it will merge down to one lane. Chief Nixon said it will help slow down traffic.

Councilman Dent wanted to make certain that, if this Conceptual Design is approved, it is clearly understood that it is done for this freestanding, independent project, having nothing to do with approving anything for the subdivision itself.

Councilman Payne made a motion to approve the Conceptual Design for the Boulderview Way Crossover Plan. It was seconded by Councilman Hiemenz and carried 5-0.

- H. Council may approve an Agreement to relocate the easement for Love's project and grant authority to the City Manager to complete the

Mayor Moore said this was done when talks with Love's first began; however, this would be the formal dedication. The purpose of this item is to give Brandon Buchanan authorization to complete the dedication process.

Mayor Moore asked if the easement allows traffic to go on north of there. Brandon Buchanan said it maintains a continuous easement from Grand Canyon Blvd. to Airport Rd. This is separate from the road that skirts along the Interstate, and it does not preclude us from

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dedication process: looking at a Frontage Road.
B. Buchanan Brandon Kavanaugh showed a 2010 map to Council Members that included the Chris Franks Alignment and the gifting alignment. Love's would be building a portion of road that doesn't exist. Part would get torn up and part would be back to graded earth past Love's property line.
Councilman McNelly asked if the roadway would be substantial enough for heavy truck traffic. Brandon Buchanan said that is not addressed in this Agreement, but it has been discussed in talks with Love's.
Councilman McNelly made a motion to approve the Agreement with Love's to relocate the easement for their project and to grant authority to the City Manager to complete the dedication process. It was seconded by Councilman Hiemenz, and it carried 5-0.

- I. Council may approve a request for a donation of the ice rink and Zamboni to the Town of Pinetop-Lakeside: J. Moore
Mayor Moore said we have been forthcoming about the need for repairs on the ice rink. Councilman Dent suggested making a courtesy call to Tempe to make certain it's o.k. with them for us to donate it to another municipality since Tempe donated it to Williams. Councilman Dent made a motion to donate the ice rink and Zamboni to the Town of Pinetop-Lakeside after a quick courtesy call to the City of Tempe. Councilman Payne seconded the motion, and it carried 5-0.

VII. REPORTS AND INFORMATION ITEMS:

- J. Mayor and Council Councilman McNelly said they are trying to find covers for the Rodeo Grounds bleachers because some of the larger events will require them. Larry Pittenger added that the Rodeo Grounds also need a couple of tons of sand.
- K. Staff Reports Library Report and Court Report are in Council Notebooks, Item K.

VIII. CONVENE TO EXECUTIVE SESSION

EXECUTIVE SESSION

Pursuant to A.R.S. 38-431.03A - City Council will consider an Agreement for donation of property to the City.

RE-CONVENE TO REGULAR SESSION

- L. Council may make decisions related to the matters discussed in Executive Session: J. Moore
Council received advice from Brandon Kavanaugh on the due diligence involved before donations of property should be accepted. No decisions were necessary.

- IX. **ADJOURN:** Councilman Payne made a motion to adjourn, and it was seconded by Councilman Fritsinger. The meeting adjourned at 8:11 p.m.

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Mayor John Moore

ATTEST:

City Clerk

DRAFT