

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES  
AGENDA ITEM

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MAY 13, 2010  
COUNCIL ACTION

**I. PROCEDURES:**

- A. Call to Order **Vice Mayor Dent** called the meeting to order at 7:00 p.m.
- B. Pledge and Invocation **Vice Mayor Dent** led the pledge of allegiance, and **Councilman Hamby** offered the invocation.
- C. Roll Call Councilmen Don Dent (Vice-Mayor), Andrew Hamby, Frank McNelly, Bill Miller, and Kevin Young were present and constituted a quorum. Present from City Staff were Assistant City Manager/Finance Director Joe Duffy, Police Chief Herman Nixon, Public Works Director Glenn Cornwell, and City Clerk/Human Resources Director Susan Kerley.
- D. Approval of Minutes for April 22, 2010 **Councilman Miller** moved to approve the minutes of April 22, 2010. **Councilman McNelly** seconded and the motion carried 5-0.
- E. Adoption of Agenda **Councilman Young** moved to adopt the agenda. **Councilman Miller** seconded and the motion carried 5-0.

**II. PRESENTATIONS:**

- A. Rotary Club Presentation: Kevin Young, President  
**Kevin Young** is the Rotary Club's Incoming President for 2010 – 2011. During his Presidency, the project he would like for the Club to accomplish is a bandstand and public area in the meridian on the east end of town. At this location, there are two traffic lines going eastbound and two going westbound. His suggestion is to take out the left eastbound lane and left westbound lane to use for parking. There could be 19 parking spaces on one side and 18-19 spaces on the other side. Rotary would raise funds through supporters just as they did when Jim Bultema spearheaded the Town Clock project. **Jim Bultema** added that he believes this would be a positive project for the community. Vice Mayor Dent suggested sending a copy of the attached handout to the Parks and Recreation Commission for their approval and having them get it on Council's Agenda. Councilman Miller would like to see a drawing for the Police Department to review for safety and traffic concerns.

**III. PUBLIC PARTICIPATION:**

**Kim Kadletz** (841 Cypress Point, Williams, AZ 86046), Treasurer of the Main Street Association pointed out that business enhancement is one Main Street goal. The organization has produced a passport (sample attached) that will be picked up by visitors in various locations around town, stamped by merchants, qualifying the holder for some sort of prize. With seven stamps, they are eligible for a gift, with eight, a goodie bag, and with ten, a grand prize. This promotion will begin on May 27<sup>th</sup>.

**IV. CONSENT AGENDA ITEMS:**

- B. Approval of Purchase Orders: J. Duffy
- C. Approval of Check Register for the month ended April 30, 2010: J. Duffy
- D. Approval of request for dedicated parking spaces (10) in front of Grand Canyon Hotel Saturday noon till Sunday noon for the

**Vice Mayor Dent** read all Consent Agenda Items B – H so the public would be aware of exactly what was being considered for approval. **Councilman Miller** then moved to

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Phoenix Model T Group May 15-16, 2010: S. Atkinson

- E. Approval of Road Closure Request for 142. E. Edison for a May 8, 2010, birthday party from 3:00 p.m. to 6:00 p.m.

approve the Consent Agenda items, B – H. **Councilman Young** seconded, and the motion carried 4-0 with one abstention.

- F. Approval of Road Closure Request by American Legion Cordova Post 13, 425 W. Grant, for the May 19, 2010, Run for the Wall from 1:00 – 9:00 p.m.

- G. Approval of liquor license change of name from Kevin Alan Kennelly, Fun Foods, L.L.C., to John Francis Kennelly, J. F. Kennelly, L.L.C, for Pancho McGillicuddy’s.

- H. Approval of liquor license change of name from Kevin Alan Kennelly, Fun Foods, L.L.C., to Thomas Gregory Kennelly, T. G. Kennelly, L.L.C. for Doc Holliday’s Steakhouse.

V. **NON-CONSENT AGENDA ITEMS:**

- I. Discussion and decision regarding approval of liquor license application for extension of premises/patio permit for Twister’s 50’s Soda Fountain: Jason Moore

City Clerk **Susan Kerley** explained that the drawing included with the application shows the proposed construction of a 30’ x 36’ patio connecting to the south side of the existing licensed premises. The patio will be entirely fenced with signs posted on the fence, “No Alcoholic Beverages Beyond This Point.” The grill and prep table would be outside for food service for the proposed patio area. **Councilman Miller** was concerned about the loss of parking; however, **Vice Mayor Dent** reminded that the establishment has parking available in the rear. **Councilman Hamby** assumed that parking available in rear of the property on Railroad Avenue would meet requirements. He indicated that, while he would vote against this, he believes the owner, Jason Moore, is doing a great job. **Councilman McNelly** made a motion to approve this application for extension of premises/patio permit, and **Councilman Young** seconded the motion. With one abstention (**Councilman Miller**), one “no,” (**Councilman Hamby**) and three “yes” votes, the motion carried 3-1.

- J. **CONVENE TO PUBLIC HEARING**

**CASE No. DMP10-04 Williams Ranch**

Presentation of Development Master Plan and rezoning for Williams Ranch, L.L.C. for APN: 203-11-008D located west of Garland Prairie Road, I-40 Ramp on the north side of I-40:

Public Works Director **Glenn Cornwell** introduced **Mason Cave** and **Tim Lee**, representing Managing Partner of Williams Ranch, L.L.C., TMD.

**Mr. Cave** reported that the Planning and Zoning Commission suggested that HC zoning would be a closer match with their intent for development of this 30 acres, and that is P & Z’s recommendation to

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Council. **Mr. Cave** noted that approximately 52% of the property will remain open space. Councilman Young asked why the zoning change would be temporary for a two year period. **Glenn Cornwell** explained that a sunset clause is pretty standard because it allows time for the developer to move forward, doing drainage study, etc, and produce their plat before the expiration of the two-year period, hopefully, in a better economic climate. There were no questions or comments from the public.

**RECONVENED TO REGULAR SESSION**

K. Discussion and decision regarding approval of Development Master Plan and rezoning for Williams Ranch, L.L.C.: G. Cornwell

**Mr. Cornwell** noted that DRT (Departmental Review Team) and P & Z recommend this zoning change, and that this property should have been zoned HC all along because this better fits in with the General Plan concept. **Councilman Hamby** made a motion to approve the development master plan and zoning change from RR to HC for Williams Ranch, L.L.C. **Councilman Young** seconded the motion, and it carried 4-0 with **Councilman McNelly** abstaining.

L. Discussion and decision on CDBG award made at Council meeting, April 22, 2010: J. Duffy

**Joe Duffy** explained that a mistake was made on April 22<sup>nd</sup> that needs to be fixed. He hand wrote amounts on the NACOG handout that listed all the projects competing for CDBG funds. In doing so, he reversed the amounts for the two Inspirations, Inc. projects. Their operations project requested \$49,616 and their facilities improvement project requested \$15,000. As a result of the reversal of numbers, Council approved the facilities improvement project for \$49,616. He asked that a motion be made to clarify these two projects with their correct amounts and to reaffirm Council's selection. **Councilman Hamby** pointed out that, if Council moved forward on selecting the facilities improvement project for the requested \$15,000, that would push almost \$35,000 from Inspirations, Inc. He expressed discomfort at proceeding without having a revised application. **Sue Tamulevich** of Inspirations, Inc. explained that she has just discovered that costs for the construction would far exceed their initial estimate of \$15,000, mainly because the bathroom must meet American Disabilities Act (ADA) standards. **Ms. Tamulevich** was asked if she could return with a revised application at the next Council meeting, and her response was positive. **Councilman Miller** made a motion to table this item until May 27, 2010, and it was seconded by **Councilman Hamby**. The motion carried 5-0.

M. Discussion and decision regarding downtown parking, including bus only parking, striping, and signing: H.

**Police Chief Nixon** has looked at the bus parking areas. The one on the southwest corner of Route 66 and First Street is an issue because buses must pull up and back into the space. Then vehicles at the intersection of First and 66 cannot see oncoming traffic from the west. If the bus parking east of First is used, the driveway from the dirt lot on the southeast corner of the intersection is blocked. The Chief's conclusion

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Nixon

is that it is dangerous to have bus parking west of First Street on Route 66.

**Public Comment: Jeremy Hassen**, Manager of Addicted to Deals at 124 W. Route 66, pointed out that elimination of bus parking is not a viable option; instead, we need to increase bus traffic that stops in town. Making it easier for busses to get in and out of town would help. When buses park, their passengers spend money. One solution would be to lease the dirt lot at the southeast corner of First Street and Route 66 and provide bus parking with pull through spaces. He listed some other options: In front of Grand Canyon Hotel; in front of Wild West Junction on Route 66; In front of Wild West Junction on Railroad Avenue; across from the Red Garter on Railroad Avenue; or near the National Bank Building on Railroad Avenue. He concluded by saying that Williams cannot become complacent with what it has – we need more tourism dollars.

**Councilman Hamby** has observed that people who park in front of businesses are often not customers – they are affiliated with the businesses. It is hard to understand why an owner or employee would take up parking spaces in front of their own or other businesses.

There are some pull through spaces available in the City parking lot at Railroad Avenue and Grand Canyon Boulevard; however, they are rarely used by buses because drivers need to park where they can watch and help their passengers.

**Councilman Hamby** made a motion to keep the existing bus only parking for now and direct staff to find available spots to increase bus-friendly parking. **Chief Nixon** added that if the spots were moved just a little, they would be safer. He will look at them with **Glenn Cornwell**.

**Vice Mayor Dent** mentioned that buses parking across from Saya's on First Street would not bother anybody. He and the Mayor will go to the next Chamber of Commerce meeting and discuss parking in general and parking in front of businesses, whether theirs or someone else's.

**Councilman Miller** seconded the motion, and it carried 5-0.

N. Discussion and decision on findings by the Open Meeting Law Enforcement Team of the Office of the Attorney General: S. Kerley

**City Clerk Susan Kerley** reviewed the letter from Assistant Attorney General Casey W. Cullings, pointing out the items that did not meet Open Meeting Law requirements:

- Failure to provide enough specific information on Council's agendas so that the public could fully understand the items to be discussed, considered or decided upon at each Council meeting, whether a regular session, called session, or work session.
- Failure to post agendas and minutes on the City's website in a consistent, timely fashion.
- Failure to notice executive sessions in accordance with A.R.S. 38-431.02(I).

Since actions taken at the Council's January 19<sup>th</sup> work session were not "listed as specific matters to be discussed, considered or decided at the meeting," on the Agenda, the actions taken were null and void unless Council ratified them.

**Ms. Kerley** is arranging Open Meeting Law training for Mayor, Council members and Staff members who assist the Council with Open Meeting Law compliance, through the League of Arizona Cities and Towns. Tom Belshe from the League plans to combine this training with a visit to Tusayan during the first two weeks of June. She then moved to the response to Assistant Attorney General Cullings she had drafted for Council's review.

**Vice Mayor Dent** felt that Council should be able to discuss any item under "budget" as long as "budget" was on the agenda for January 19<sup>th</sup>.

**Joe Duffy** indicated that Staff will make a concentrated effort to include more specific information on agendas in the future.

**Councilman Miller** made a motion to move forward with sending the drafted response letter to Assistant Attorney General Cullings and to schedule the Open Meeting Law training with the League. **Councilman McNelly** seconded the motion, and it carried 4-0 with **Councilman Hamby** voting "no."

- O. Ratification of legal action taken on January 19, 2010, in violation of A.R.S. 38-431.05(B).

City Council proposes to ratify the following prior actions:

- Closing the pool
- Moving the two full-time employees [from the pool] to the Recreation Center
- Eliminating the planning position [City Planner] and the front desk position [Customer Service Representative]
- Sitting down with the Golf Course Superintendent and finding out what can be cut out at the Golf Course.

**Vice Mayor Dent** read the above actions and asked for comments or discussion. There were no responses.

**Councilman McNelly** made the following statement and motion:

*We acknowledge that we have violated the Open Meeting Law.*

*Therefore, I make a motion that Council agrees to the recommendations set forth by the attorney General's Open Meeting Law Enforcement Team in the April 30, 2010, letter and will take the following corrective actions:*

- *Ratification of actions taken at the January 19, 2010, Council Work Session, following the required steps set out at A.R.S. 38-431.05(B). These actions are itemized on the Agenda for tonight's meeting and include:*

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- *Closing the pool*
- *Moving the two full-time employees [from the pool] to the Recreation Center*
- *Eliminating the planning position [City Planner] and the front desk position [Customer Service Representative]*
- *Sitting down with the Golf Course Superintendent and finding out what can be cut out at the Golf Course.*

**Councilman Miller** seconded this motion, and it carried 5-0.

- P. Discussion and decision regarding approval of Ordinance No. 913, establishing Order to Show Cause fees for Williams City Court
- Councilman Dent** said that once the Court issues an Order to Show Cause, people show up. The Court needs some mechanism to get people to come in and take care of their business. **Chief Nixon** added that most courts have \$20-\$300 fees.
- Councilman Miller** made a motion to adopt Ordinance No. 913, and **Councilman Young** seconded the motion. It carried 4-1 with **Councilman Hamby** voting “no.”

- Q. Discussion and decision regarding approval of Resolution No. 1253, authorizing application to GADA for financial assistance: J. Duffy
- Joe Duffy** explained that, while they are making no new loans, GADA can refinance existing loans. The City owes currently \$7,130,000 for three loans. If Council approves this Resolution, he will send a package requesting combination of the loans and extension of their terms. The City would save \$725,000 over the life of the loans by decreasing their interest rates. He feels there is a 50/50 chance of receiving this refinancing.
- Councilman Miller** made a motion to approve Resolution No. 1253, and **Councilman Hamby** seconded the motion. It carried 5-0.

**VI. REPORTS AND INFORMATION ITEMS:**

- A. Council
- Vice Mayor Dent** asked for suggestions for scheduling two work sessions next week for Fiscal Year 2010/2011 Budget Review. The consensus was to meet on Wednesday, May 19<sup>th</sup>, at 5:00 p.m. and on Thursday, May 20<sup>th</sup> at 5:00 p.m.
- Councilman Miller** is focusing on making use of the Community College facility. We need to discuss direction as a Council. A couple of meetings will be scheduled to look at the liability for different options.
- Councilman Young** thanked Glenn Cornwell for the good news that the flag will be up at the east end of town.
- B. Staff Reports
- Joe Duffy** commended the Water and Street Departments on their work on the Clean and Beautiful signs this week. He submitted paperwork to FEMA who may be backing out of the snowstorm situation. Instead we may receive a FEMA and State match and end up more cash.
- Chief Nixon** reported that HB 2246 allows fireworks to be sold and possessed in Arizona. As a City, we will be allowed to have an

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Ordinance to prevent this within the City. He will research it after the final version of the law comes out. **Vice Mayor Dent** added that we need to encourage the County to outlaw fireworks on a county wide basis.

**Rhonda Rosinski, President/CEO, Williams-Grand Canyon Chamber of Commerce** thanked the City for putting up the Clean & Beautiful signs. She said that Bearizona is scheduled to open on Saturday, May 27<sup>th</sup>. Rendezvous Days over Memorial Weekend will feature the parade and 12 bounce houses in Glassburn Park with the proceeds benefitting Heritage School. She reported 3,598 visitors in the first 12 days of May.

**VII. ADJOURN:**

**Councilman Miller** made a motion to adjourn, it was seconded by **Councilman Hamby**, and it carried 5-0. The meeting adjourned at 8:25 p.m.

\_\_\_\_\_  
Mayor John Moore

ATTEST

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City Clerk

