

**THE MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 17<sup>TH</sup> DAY OF JANUARY 2012**

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**CALL TO ORDER** - Vice Mayor Monika Cronberg called the special meeting to order on Tuesday, January 17, 2012 at 7:02 p.m. and thanked all for being here.

**ROLL CALL**-City Clerk Cristina Garcia Whelan, CMC, called the roll:

**PRESENT**

Vice Mayor Monika Cronberg  
Councilman Elwood A. Johnson  
Councilman Stephen Klump  
Councilman Christopher Donahue-7:31 p.m. (in class)  
Councilman William "Bill" Holloway  
Councilman Robert "Bob" Irvin

**STAFF**

City Manager Pat McCourt  
City Attorney Hector M. Figueroa  
City Clerk Cristina Garcia Whelan, CMC  
Library Director Tom Miner  
Finance Director Ruth Graham  
Public Services & Works Director Dave Bonner  
Development Services Jeff Stoddard

**ABSENT**

Mayor Gerald W. Lindsey

**PLEDGE OF ALLEGIANCE TO THE FLAG**-Vice Mayor Cronberg.

**CALL TO THE PUBLIC**-There was no response from the public present.

**DECLARATION ON CONFLICT OF INTEREST**-There was no response from the Mayor, Council members or staff.

**ADOPTION OF THE AGENDA**

**MOTION:** Councilman Johnson pulled 7B for discussion/decision on regular agenda regarding the Financial Reports From Finance Director and remove agenda items #16-19 relating to Executive Session and approve the remainder of the agenda as presented

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

**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 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.

**7A. THE SPECIAL MEETING MINUTES OF JANUARY 3, 2012 AND THE WORK SESSION MEETING OF JANUARY 3, 2012**

**MOTION:** Councilman Johnson moved to adopt the Consent Agenda items as presented.

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

**7B. FINANCIAL REPORTS FROM FINANCE DIRECTOR** –removed by motion from consent agenda.

City Manager Pat McCourt explained in packets is the Mid-Year Financial Report from the staff. Included is memo from himself to Mayor and Council giving a very broad overview and more extensive reports from Finance Director. Finance Director Ruth Graham reported the Financial Reports are presented in a couple of ways. The format using is the same as past years and starting with the Audited Opening Balance for each fund. The General Fund ending balance is \$1,828,822; the Revenue Year-to-Date ending balance is \$1,341,822; Inter-fund Transfers for Utilities

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\$250,319; transfer to Refuse \$72,900; Transfer Out to Grants \$16,600 and expenses of \$1,670,000 and ending \$1,747,375 which is a reduction of (\$81,447). Budgeted \$990,000 and under that figure. The departments have kept their spending down. Believe we will have deficit of over \$121,000.00. Part of General Fund deficit due to revenues and the City Sales Tax is our primary revenue source. We are at 47% and average is for the past 6-years. Down about 2% of Sales Tax Revenues the other is the HURF Fund. Staff dropped about \$35,000 before the budget was finalized per State Projections. When prepared this we had not received funds and we did receive \$17,500 payment and we are still at 47% for the year and we are going to be below budget. Budget was dropped in 2005 \$339, 433; 2006 \$342,000; 2007 \$49,000; 2008 down \$229,000; 2009 \$288,000; 2010 \$273,000; 2011 \$276,000 and \$239,000 projecting and we are not on track to meet that. This is fund that the State Revenues is not meeting.

City Manager McCourt explained that in the General Fund he mentioned we are short by our budget number. We had increased budget number over 5% from last year and dollar wise we are "okay" and where we were last year and slightly ahead and budget wise we are below projection.

Councilman Johnson asked about when the RDS Contract is due and Ms. Graham replied the contract expires on March 31, 2016. The Councilman asked because of the House Bill that passed recently that we can no longer renew and have to go back to State Contract and asked what are we doing as City to compensate for that or falling behind i.e. turning lights off and are we doing anything special. Mr. McCourt replied "yes we are" and that is why we had thought that for the year we would have deficit of \$900,000 and half way through year expect deficit of \$450,000 and in fact we are only at \$81,000 and that is direct reflection of staff cutting back on operating expenditures. Councilman Johnson asked if we have cut any services. The City Manager replied there has been reduction in services such as not filling positions and we have several positions that are vacant and that is reduction in services to the public. Councilman Johnson asked if that has affected morale and City Manager replied "yes after not having raise over 5-years it affects morale of employees." When we don't fill positions and work load is absorbed by other employees that does affect morale of employees.

Councilman Johnson asked if we will start budget session for 2012-2013 earlier than we did last year and more work sessions. City Manager McCourt replied staff has already started projections and numbers. Looking extensively because per City Code we have to do all the Rate Review for the Enterprise Funds and those have to be done by April. Once get through Rate Review for Enterprise Funds have to prepare budget for next year and we will have essentially finished that for part of the project and shortly after that the other governmental sections of the budget. Councilman Johnson asked if there are any goals and objectives to achieve for this next coming budget. Mr. McCourt replied he is trying to maintain the service levels and not sure what the Council might have in mind as far as additional. Councilman Johnson said he does not want to go another year without employee raises and asked staff to keep that in the back of their minds. Whether we have to cut services and compensate employees because eventually we are going to lose employees. The City Manager stated he is aware of that and we are in deficit position. Most of the General Fund is employee related. If decide to give adjustment to employees and talking about substantial impact of that deficit number. Councilman Johnson said that is main infrastructure and the City Manager agrees and it's "darn if you do and darn if you don't" situation. Councilman Johnson thanked staff.

Vice Mayor Cronberg concern is on page 2 of the City Manager's memo and item #4 Refuse Hauler appears to be low, asked what the implementation problems were. The City Manager explained the implementation concern was the contract hauler felt that they did not have to pay that fee. Staff went back, discussed, explained and it was pointed out to the hauler that it was included in bid price and since then they have been paying and now catch up.

**MOTION:** Councilman Holloway moved to accept the mid-year financial reports.

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

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**PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**

**COMMUNICATIONS:** The Mayor announced and the Vice Mayor read that there are three (3) candidates running for the March 13, 2012 Primary Election. They are: Earl B. Goolsby, Elwood "Woody" Johnson and William "Bill" Nigh. Write-in Nomination papers are due by February 2, 2012 (Signed petitions are not needed and name will not appear on the ballot. For more information contact the City Clerk, Cristina G. Whelan, CMC, Wednesday through Friday.

**DISCUSSION/DECISION REGARDING SINGLE EVENT LICENSE FOR K-5 RODEO COMPANY JULY 2012**

**MOTION:** Councilman Johnson moved to approve the Single Event License for K-5 Rodeo Company in July 2012.

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

**DISCUSSION/DECISION REGARDING WILLCOX AJRA REQUEST FEES BE WAIVED FOR THE QUAIL PARK ARENAS, LIGHTS, AND CONCESSION STAND FOR PUBLIC KIDS RODEO ON SATURDAY, APRIL 21 AND SUNDAY, APRIL 22, 2012.**

**MOTION:** Councilman Johnson moved to approve the Willcox AJRA request fees be waived for the Quail Park arenas, lights and Concession Stand for Public Kids Rodeo on Saturday, April 21 and Sunday, April 22, 2012.

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

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-02 APPROVING AND ADOPTING THE AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE NORTHERN COCHISE COUNTY HOSPITAL DISTRICT ("DISTRICT"), A HOSPITAL DISTRICT AND POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, FOR THE PROVISION OF SERVICES FOR SENIOR CITIZENS AND DECLARING AN EMERGENCY TO EXIST.**

City Manager McCourt explained that the Council may recall the City and NCCH entered into agreement with City filing for Grant monies for facility for Senior Citizens. We have gone out on Request For Proposals and selected one. We have been moving forward on that. The Hospital District had some concerns in the wording of the Agreement because there is a Hospital District and there is a Non-profit Corporation and they felt needed the Agreement clarified to spell out the duties. That is presented tonight clarification and that some duties will be performed by Non-profit in oppose to Hospital District. From City standpoint there is no change and staff is comfortable with wording. The CEO from the Hospital is here and Vice Mayor said we would entertain any comments and fill in any gaps.

Mr. Roland Knox addressed the Council and stated he is the CEO of the Corporation for Non-profit entity. Clarity asking for and what it does is it makes it very clear the MOU from the City is with the Hospital District itself and another government entity. That entity does not have employees and asking Corporation to take on responsibilities of the day-to-day actions and operations within the MOU itself and the grant. The Corporation would like to do that also. Clarity of terminology is to make sure District is entity with the City and District delegates operations to the Corporation. Vice Mayor Cronberg has been through it very well and thinks the clarifications were definitely necessary and should be helpful in getting us forward and appreciates that very much.

**MOTION:** Councilman Johnson moved to approve Resolution NO. 2012-02, as presented, relating to the MOU between the City and Northern Cochise County Hospital District.

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

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-03 APPROVING AND AWARDED THE BID FOR THE PURCHASE OF CARPET AND TILE FOR THE ELSIE S. HOGAN LIBRARY RENOVATION PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Holloway moved to approve Resolution NO. 2012-03, as stated, relating to the purchase of carpet and tile for the Library.

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

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2012-04 APPROVING AND ADOPTING CONTRACT # 9-AZ-2313 AND ACCEPTING THE QUIT CLAIM DEED FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ("GRANTOR) FOR THE FORMER BORDER PATROL STATION LOCATED AT 200 W. DOWNEN STREET WITHIN THE CITY LIMITS OF WILLCOX AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

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**MOTION:** Councilman Johnson moved to approve Resolution NO. 2012-04, as presented, relating to the acceptance of the Quit Claim Deed from the Grantor for the old Border Patrol Station at 200 W. Downen Street.

**SECONDED:** Councilman Klump seconded the motion. **DISCUSSION:** Councilman Johnson asked staff if still looking at that as possibly being the Food Pantry. Pat in Grant application indicated it will be used as Food Pantry and required to demonstrate it will be used for that for 30 years. Quit Claim has provision that we can go back and ask them for modification if the need of the building changes. They do have a process in place. Councilman Johnson said hypothetically if someone comes up and wants to buy the building we have to go back to them. Mr. McCourt explained there is provision for City to payoff the building. It provides they will look at the Fair Market Value at the time of request and use that value and pro rate it over the 30 year life of the building. That is how much the City would owe to payoff the building. Councilman Johnson asked what is the estimated value and City Manager McCourt replied there is no estimated value. City Attorney Hector Figueroa explained that decision would be made if in fact we wanted to sell at the current value at that particular time rather than set a price now. If we are in there for 20 years and price is set at a certain amount they would pro rate over the 30 year period and give City credit for the 20 years. In South Tucson they have similar situations and that is how they did it. Whether they would do that here they would amortize for 30 year period. Councilman Johnson asked can we amortize, depreciate or does it go towards the assets of the City. Mr. McCourt replied it will be asset on the City. From Government standpoint the depreciation is factor we use to look at the life of the facility and doesn't have consequences that private entity would have. Vice Mayor Cronberg said it is difficult to project actual cost to the City for having facility to maintain and asked staff if they have any idea on the costs for utilities, etc., The City Manager replied staff estimates nothing less than \$150/month and Councilman Johnson asked if that is the amount paid at the Golf Course. Mr. McCourt replied staff did not prepare that and will get information to the Council. Vice Mayor Cronberg thinks it is a good idea. Mr. McCourt said staff believes it is and first reason is because it is a better location for the Food Pantry, and long range it seems we will be able to advance the Golf Course. Vice Mayor Cronberg said then actually it is two (2) fold benefit and thinks this building will be utilized by those people that need the Food Pantry. **CARRIED.**

**REPORTS BY THE CITY MANAGER PAT McCOURT**

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

- Report on Voter Registration**-Reminder deadline for Voter Registration is February 13, 2012 with Cochise County.
- Report on City Election** – Primary Election to be held on Tuesday, March 13, 2012.
- Report on Financial Disclosure Statements due**-This report is due from every Council person seated as of December 31<sup>st</sup> of each year. The Council members must complete the Financial Disclosure Statement for the preceding year (2011) on or before January 31, 2012.
- Report on E-Waste Event** – Reminder of the Free E-Waste recycling event to get rid of electronic equipment and properly dispose of on Saturday, January 21, 2012 at the Willcox Community Center from 9 a.m. until Noon.
- Mayor/Manager Luncheon**- the City of Benson is hosting the luncheon on Tuesday, January 24, 2012 at Cochise College, Benson Center. Please RSVP to City Clerk by Friday (12 noon), January 19, 2012.
- New Business** – Dragon Queen Express will be opening in IGA very shortly serving Chinese Cuisine.
- Library Update** – Solarium Room (CD 7:31 p.m.) almost ready and murals are 70% completed.
- Tomato Wars** – talked about this event two (2) months ago on proposed event in April in our Community. This would be a giant food fight and mud fight and contacted to sponsor. He is having great deal of difficulty to come up with volunteers. It is a two (2) day event although he did find food vendors. They also want the City to acquire a Beer Garden License and need people to operate that and they want a piece of Beer Garden and ticket sales. Mr. McCourt is not having much success getting volunteers and unless finds large group soon he does not see how we can proceed with the event. Vice Mayor Cronberg asked the City Manager who he was approached by and Mr. McCourt replied it is called 'Tomato Wars.' April is early in year and still cold and hopes to get young folks from Tucson to come out. Event site is the Rodeo Grounds. The food fight would be in the Quail Park. Vice Mayor Cronberg asked if there was more information and ask other communities to see how it went in their communities. Mr. McCourt replied he has found none. He did find Resorts that have taken care of that although it does not appear it has been held by any other governmental entity.
- Piano & Organ** – the piano and organ that was donated to the City are now located at the Community Center. The piano was also tuned up and sounds good.
- Wings Over Willcox** – Appears it was very well attended. He was involved through another organization and fund raiser in conjunction with this and this was the best by 50% than previous years.
- Skate Park update**-Started work on the Skateboard Park! Staff has moved some dirt and preparing the ground to build Skate Park.

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**-Bill board by Chamber-** new cover put up on new board by Visitor Center and Chamber has donated half of the cost. When he drives by that site it looks like more traffic than there usually is.

**-State Legislative Session** has started. Staff monitors those with help from the League of Arizona Cities & Towns and they try to bring those to the attention of municipalities. In some occasions ask Mayor and Council to contact our State Legislators and let them know our feelings.

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

Councilman Holloway reported that his daughter attended event in Mesa and 5,000 people participated in obstacle course and it took "fit people" three (3) hours to complete and they paid \$150/per person to do this. Spectators had to sign waivers that the sponsors are not responsible for any accidents and the Fund Raiser was for the Wounded Solders. Mr. McCourt stated that the Tomato Wars not offering anything to the City although we could charge parking and some proceeds on the beer garden.

Councilman Donahue stated after the remarks by Councilman Holloway the Skate Park seems rather tame by comparison.

**(Laughter)**

Councilman Johnson stated he thinks the Wings over Willcox had one of the largest turnouts and not sure what the people count was. There seemed there were a lot of birds, a lot of people and lots of traffic.

Councilman Irvin congratulated Ms. Graham and Finance Department. Also the City employees need to be recognized for saving on expense the way they have and to help them through these tough times.

Vice Mayor Cronberg announced that our Mayor is coming along and is very pleased for him and hope he takes care of himself as best he can and in the meantime they will struggle to do the best they can with his absence. Received emails from people wondering about Wings Over Willcox and were there plenty of birds in the area and did her part letting them know there were tons of birds. Also glad things went well and thanked all for being here.

**ADJOURN**

There being no further business before the City Council, Vice Mayor Cronberg adjourned the meeting at 7:41 p.m.

**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 17<sup>th</sup> day of January 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

**Dated this 19<sup>th</sup> day of January 2012**

/s/ Cristina Garcia Whelan, CMC  
City Clerk Cristina Garcia Whelan, CMC

**PASSED, APPROVED AND ADOPTED** this 6<sup>th</sup> day of February 2012.

/S/ MONIKA S. CRONBERG  
MAYOR GERALD W. LINDSEY  
Signed: 02-06-2012

ATTEST:

/s/ Cristina Garcia Whelan, CMC  
City Clerk Cristina Garcia Whelan, CMC