

**THE REGULAR MEETING OF THE MAYOR AND CITY  
COUNCIL OF THE CITY OF WILLCOX COCHISE COUNTY, AZ  
HELD ON THIS 20<sup>TH</sup> DAY OF JANUARY 2009**

**CALL TO ORDER**-Mayor Gerald W. Lindsey called the special meeting to order on Tuesday, January 20, 2009 at 7:00 p.m.

**ROLL CALL**-The Mayor announced to let the record note all Council members are present except Councilwoman Cronberg.

**PRESENT**

Mayor Gerald W. Lindsey  
Vice Mayor Larry Schultz  
Councilman Elwood A. Johnson  
Councilman Jimmy L. Norris  
Councilman Stephen Klump  
Councilman Christopher Donahue

**ABSENT**

Councilwoman Monika Cronberg

**STAFF**

City Manager Pat McCourt  
City Attorney Hector M. Figueroa  
City Clerk Cristina G. Whelan, CMC  
Public Safety Director Jake Weaver  
Finance Director Ruth Graham  
Public Services & Works Director Dave Bonner  
Library Supervisor Sylvia Stewart  
Building Inspector Jeff Stoddard

**PLEDGE OF ALLEGIANCE TO THE FLAG**- Mayor Lindsey.

**CALL TO THE PUBLIC**

(1) Mr. Tony Cohorn addressed the Mayor and Council with a letter of Thank You! and asked Councilman Johnson to read it. The letter was addressed to the Mayor and Council for the City of Willcox Fire Department. It is relating to the fire at their home last Saturday night saving their home. **(APPLAUSE!)** Mayor Lindsey thanked them for the praise to our Fire Department.

(2) Sylvia Stewart, Library Supervisor, addressed the Mayor and Council regarding Elsie S. Hogan Library was awarded Picturing of America Award. It includes at no cost forty images mounted on twenty double-sided, laminated posters for display and classroom use and a teacher's resource book. The items should be received in March or April of 2009.

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

**ADOPTION OF THE AGENDA**

**MOTION:** Councilman Johnson moved to adopt the agenda as presented.

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

**UPDATE ON ECONOMIC DEVELOPMENT FROM WILLCOX REGIONAL ECONOMIC DEVELOPMENT ASSOCIATION (WREDA)**

Ms. Kathy Smith announced Town Hall meeting Thursday, January 29, 2009 by Sierra Housing Resource Partners and everyone is invited. She has contacted the Hospital, School System and meeting with Border Patrol tomorrow. She handed out invitations to all the Council members present.

Ms. Smith also reported on the Wings Over Willcox held this past weekend. Thinks it went very well, good for economy and down 15% from average from past few years. There were over 353 registrants from 24 states and one Canadian province. California had over 25% and New Mexico and Arkansas tied.

REDI application in for Rural Economic Initiative and handed out the application to the Mayor and Council. They have heard presentation was well received and hoping to get certified this year. The Mayor and Council will be notified as soon as possible.

Mayor thanked Ms. Smith for the report and stated the Wings Over Willcox numbers are down but still a great production.

**DISCUSSION ON THE HEALTH OF WILLCOX BY DOCTORAL STUDENT AMANDA BENNETT**

Ms. Bennett reported she is studying the health culture of our community and asking the Mayor and Council to participate due to their knowledge of the community. Ms. Bennett asked if they would participate and referred to the Disclosure Form included in their packets.

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After a brief discussion and response from legal counsel, it was determined that Ms. Bennett will contact each Council member individually to ask their personal opinions. All information received will be kept confidential. Ms. Bennett thanked the Mayor and Council.

**DISCUSSION/DECISION REGARDING THE MEETING MINUTES OF JANUARY 5, 2009**

**MOTION:** Councilman Johnson moved to adopt the meeting minutes of January 5, 2009.

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

**DISCUSSION/DECISION REGARDING THE REQUEST FROM THE WILLCOX CHAMBER OF COMMERCE & AGRICULTURE TO REQUEST THAT THE WILLCOX CHAMBER OF COMMERCE & AGRICULTURE BE ALLOWED TO SECURE ONE BUSINESS PERMIT FOR THE EVENT, TO SECURE TAX INFORMATION FROM THE VENDORS, TO PROVIDE INFORMATION TO THE CITY, AND TO WAIVE THE REQUIREMENT THAT EACH VENDOR- OBTAIN A BUSINESS PERMIT FOR THE WORLDS CHAMPIONSHIP BLACKSMITH COMPETITION.**

**MOTION:** Councilman Johnson moved to approve the request, as stated, relating to the Willcox Chamber of Commerce & Agriculture is allowed to secure one business permit for the event of the Worlds Championship Blacksmith Competition.

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

**DISCUSSION/DECISION REGARDING THE REQUEST FROM THE WILLCOX CHAMBER OF COMMERCE EVENTS COMMITTEE FOR A SPECIAL EVENT LIQUOR LICENSE BEGINNING AT NOON ON THURSDAY, JANUARY 29, 2009 UNTIL 8:00 P.M. ON SATURDAY, JANUARY 31, 2009 FOR THE CHAMPIONSHIP BLACKSMITH COMPETITION**

**MOTION:** Councilman Johnson moved to approve the request, as stated, relating to the Willcox Chamber of Commerce & Agriculture for Special Event Liquor License January 29-31, 2009 for the Championship Blacksmith Competition.

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

**DISCUSSION/DECISION REGARDING THE MATERIALS PURCHASE FOR SOUTH PARKER STREET GAS MAIN REPLACEMENT PROJECT**

**MOTION:** Councilman Johnson moved to approve the materials purchase for South Parker Street Gas Main Replacement Project.

**SECONDED:** Vice Mayor Schultz seconded the motion. **DISCUSSION:** Mayor Lindsey asked Public Services & Works Director Dave Bonner to fill in information. Mr. Bonner explained this project is in the alley between Parker and Maley to replace steel line that is 2" and probably over 40 years old. At the same time they will update all the services and we are doing that with our own crews. The project will begin as soon as this is approved and we get the materials which should be in the next couple of weeks. This is one of 2-projects budgeted for the year. Mr. Bonner also explained we had a limited number of bidders and received only two (2) quotes as prescribed by the purchasing policy. The total amount of the project is \$15,971.73 and the quote difference is small between the two (2) companies. Low bidder was Ferguson Waterworks \$9,587.70. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-03 APPROVING THAT PORTION OF THE PURCHASES THROUGH MEMBERS OF ITS GOVERNING BODY**

**MOTION:** Councilman Johnson moved to approve Resolution No. 2009-03, as stated, relating to purchases through members of its Governing Body.

**SECONDED:** Councilman Norris seconded the motion. **DISCUSSION:** Councilman Klump asked what is this and City Manager McCourt explained there are additional restrictions placed on the Mayor and Council which we can have with interactions. Mayor Lindsey stated a transaction can not exceed \$300 and total is \$1,000 for the year. The Mayor asked staff if Council member did business with City and did business through the bid process is that still part of the \$1,000.00. Mr. McCourt explained the \$1,000 is without the bid process. City Attorney Hector Figueroa added those amounts stated in the Resolution are by statute. If Council member did bid then that member would have to exclude him or herself from participation and decision. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-04 APPROVING AND ADOPTING THE CITY INVESTMENT POLICY STATEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION FOR THE PURPOSE OF ADOPTING THE POLICY AND DECLARING AN EMERGENCY TO EXIST**

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**MOTION:** Councilman Johnson moved to approve Resolution No. 2009-04, as stated, relating to adopting the City Investment Policy Statement.

**SECONDED:** Vice Mayor Schultz seconded the motion. **DISCUSSION:** Councilman Norris asked if we should participate since interest is only 3%. Finance Director Graham explained that is good rate and hopes to get 2-3.5%. The Resolution gives us a chance to diversify and not be dependent on the State. Councilman Johnson asked if better “eye” and she explained she and the City Manager will keep an eye on this and will be looking at terms of CD’s. City Manager McCourt added we are still restricted and only place is in LGIP and this Resolution broadens our options. Ms. Graham explained any monies withdrawn we have options to take from CD or Local Pool and we are not transferring all our monies but we will have more diversification. In 2004 Pool lost money and we do not want the City to lose money again. City Attorney Figueroa added that another big reason for doing this Resolution and subsequent Resolutions is administration types of activities. The Investment Policy goes with the times of economic hardships. The Resolution sites all statutes that allow, authorize and empower the Mayor and Council to do those things. This is like our City Code we are catching up. This is administrative directive to staff on how to handle and authorize how to do them. Subsequent Resolution will designate and authorize signatories. Mayor Lindsey’s understanding of the Investment Policy was revised to include the phrase ‘City Manager or Designee’ wherever the policy states ‘Finance Director’ and his copy in the Council book does not have that. Mr. McCourt stated he is correct with the exception in Section IX, Reporting, at the beginning of the paragraph the term ‘Finance Director’ will be replaced with ‘City Manager and Finance Director.’ Motion to correct document would be appropriate.

**AMEND MOTION:** Councilman Johnson moved to amend motion to include the phrase ‘City Manager or Designee’ wherever the policy states ‘Finance Director’ with one exception. In Section IX, Reporting, at the beginning of that paragraph the term ‘Finance Director’ will be replaced with ‘City Manager and Finance Director.’

**SECONDED AMENDMENT:** Councilmen Norris and Donahue seconded the motion. **DISCUSSION:** City Manager McCourt referred to Section V, page 3, the primary investment objectives of the City in the order of priority of the investment are: 1. Safety. 2. Liquidity. 3. Optimal yield. They are to safeguard the public monies, authority and yield. 4. Collateralization.

**VOTE AMENDMENT: CARRIED. ORIGINAL MOTION: CARRIED.**

City Manager explained the next four (4) items are housekeeping and whenever changes are made in Administration or Mayor and Council it makes it necessary to change the authorized signatories.

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-05 APPROVING AND DESIGNATING AUTHORIZED SIGNATORIES FOR THE CITY OF WILLCOX IRC SECTION 457 DEFERRED COMPENSATION PLAN WITH LORD ABBETT & COMPANY, LLC, AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION FOR THE PURPOSE OF DESIGNATING AUTHORIZED SIGNATORIES AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Johnson moved to approve Resolution NO. 2009-05, relating to designating authorized signatories for the City’s IRC Section 457 Deferred Compensation Plan with Lord Abbett & Company, LLC.

**SECONDED:** Vice Mayor Schultz seconded the motion. **DISCUSSION:** Finance Director Graham explained employees are eligible to participate if they choose and the City does not match. The City has been with Lord Abbett for 6-years and prior to that it was Nationwide. In a few weeks Ms. Graham will bring another option. Mayor Lindsey said the signatories are listed in the Resolution. **CARRIED.**

**POINT OF ORDER:** City Attorney Figueroa explained that when asking for a vote even if all vote in favor the Mayor also has to ask if there are any opposed.

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-06 APPROVING AND AUTHORIZING PARTICIPATION IN THE LOCAL GOVERNMENT INVESTMENT POOL (“LGIP”) AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Johnson moved to approve Resolution No. 2009-06, as stated, relating to authorizing the participation in the LGIP.

**SECONDED:** Councilman Norris seconded the motion. **DISCUSSION:** Finance Director Graham added this is housekeeping to confirm current council intent to participate in the LGIP. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-07 APPROVING AND DESIGNATING AUTHORIZED OFFICERS/AGENTS TO DEPOSIT, TRANSFER AND WITHDRAW MONIES IN THE LOCAL GOVERNMENT INVESTMENT**

**THE REGULAR MEETING OF THE MAYOR AND CITY  
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**POOL (“LGIP”) AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION FOR THE PURPOSE OF DESIGNATING AUTHORIZED OFFICERS/AGENTS AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Johnson moved to approve Resolution NO. 2009-07, as stated, designating authorized officers/agents to deposit, transfer and withdrawal of monies in the LGIP.

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

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-08 DESIGNATING AUTHORIZED SIGNATORIES FOR THE CITY OF WILLCOX BANK ACCOUNTS, PROPERTIES, AFFAIRS, BOOKS AND CORPORATE RECORDS OF THE CITY AND DECLARING AN EMERGENCY TO EXIST**

**MOTION:** Councilman Johnson moved to approve Resolution No. 2009-08, as stated, designating authorized signatories for the City of Willcox Bank Accounts.

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

**DISCUSSION/DECISION REGARDING THE REQUEST FROM ELSIE S. HOGAN COMMUNITY LIBRARY FOR THE SUBMISSION OF APPLICATION FROM THE “WE THE PEOPLE, AMERICAN BOOKSHELF” GRANT**

**MOTION:** Councilman Johnson moved to approve the request from the Elsie S. Hogan Community Library for the submission of application from the “We The People, American Bookshelf” Grant.

**SECONDED:** Vice Mayor Schultz seconded the motion. **DISCUSSION:** Councilman Klump asked cost of \$366 to the City or is that what we get from the grant. City Manager McCourt replied that is what we will receive and there is no matching for this project but there will be staff time and presentations. **CARRIED.**

**CONSIDERATION AND/OR DISCUSSION ON UPDATES BY PUBLIC SERVICES & WORKS DIRECTOR DAVE BONNER ON PUBLIC WORKS PROJECTS.**

Update by Public Services & Works Director Bonner regarding the Public Safety Complex building, Water Well and Grant Street Drainage and ADA curbs.

**Public Safety Complex-**everything is going well for move with police and public services. There were network problems for a day or so but overall the move went well. Mayor Lindsey asked if there are any plans to put up temporary signage and Mr. Bonner replied “not yet.” There are temporary signs are on the doors but no signage on the buildings yet. The company that did the tile will be coming back to repair tiles that did not adhere. When that is finished we will do the trusses on exterior doors. Bids are out on the façade. Mr. Bonner talked to ESB about the shade and needs to get them information on mounting so that they can make decision if that is appropriate or not.

**Well Project-** staff is looking for information on quotes and has not heard anything yet.

**Grant Street Project Update-**this project was initiated with concern for handicap access. ADA curbs were installed and drainage across Grant which was done 6-years ago by the County and it had no drainage. Valley gutters will take care of that and both were completed by DeAnda Construction. The Chip Seal will be done when weather warms up the ground temperature.

**REPORTS BY THE CITY MANAGER PAT McCOURT**

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

- **Report on Purchase of Annual Sludge Removal Product-\$15,415.40 from Probiotic Solutions** –Sole source purchase on wastewater plant. The procurement policy provides that the City Manager can make purchases up to \$25,000 and at a previous meeting Councilman Norris and as a whole Council amended the policy that any purchases over \$10,000 information had to be provided to Mayor and Council. Sole source allowed so long as specialty product or work that is being done and that is being justified.
- **Mayor and Council members Financial Disclosure Statements Due – January 31, 2009 for 2008-** reminded Mayor and Council members that the Financial Disclosure Statements are due January 31 and urged them to get those in.
- **Announced Mayor/Manager luncheon on the 28<sup>th</sup>-** those attending contact him to car pool. City Clerk Whelan announced three (3) council members are attending.
- **Announcement: February 2, 2009 City Council meeting to be held in the Public Safety Complex building, 300 W. Rex Allen Drive-**we will be meeting in the new complex building! The City Manager stated he looks forward to getting into new complex and hopes the newspaper gets the word out as well as staff.

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- **Set Ribbon Cutting Date for the Public Safety Complex building**-Councilman Johnson suggested 6:00 p.m. before the regular meeting on Tuesday, February 2<sup>nd</sup>. City Attorney stated a quorum needs to be posted. The City Manager suggested open up the facilities for tours, and then regular meeting at 7:00 p.m.
- **Emphasis WREDA workshop Affordable Housing at the Community Center starting at 7:00 p.m.** – he encouraged all to participate. Rumors heard only specific types of occupation could participate and that is incorrect and encouraged everyone to attend. Mayor Lindsey suggested post quorum notice too.
- **Ad Hoc Quail Park**- staff has received two (2) letters from interested citizens. He hopes to get more participation and asked the Mayor and Council to extend time and re-advertise. Mayor Lindsey directed staff to extend the advertisement for additional 2-weeks.
- **Reported he has been here 2-weeks and no one has asked him to leave town.** Appreciates that and appreciates opportunity the Mayor and Council have given him.

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

Mayor Lindsey wanted to commend the Chamber and everyone that took part on Wings Over Willcox (WOW). There were a lot of people that contributed to that event and he appreciates the effort. He stated it is good to have “Pat on board” and feels that we have someone at the stern and ship going on the right direction.

Councilman Johnson echoed the same on WOW especially with down economic times they still had lots of visitors and enjoyed the remodeled Community Center. He reminded everyone of the Town Hall on Thursday, January 29<sup>th</sup> on the housing project. Anybody who is renting he encouraged them to come and financing will be available there. He thanked the VFF for response not only with the Cohorn’s but the mobile home saved and thanked the team for their quick response. It has been 4-years and 7-months that he has been coming to this room for Council meetings and wants to take the old chairs to the new facility. He thanked the voters that approved the Bonds for it and added vision and need for the future of Willcox. Invited all to come and see it.

Councilman Donahue gave recognition to Public Works and Public Safety because he recently needed their assistance with issue he had with water line at his house. Appreciates it and he stated Good Job!

Vice Mayor Schultz commended all the people that participated in WOW. Most events held in Willcox depend very heavily on volunteers and it is amazing all those involved and wanted to thank the volunteers. Next weekend is the Blacksmith Competition and admission is free.

Councilman Norris thanked “Pat” on what he has done already. Welcome aboard and he is looking for great things, and glad the new building is open and occupied. He thanked the Fire Department and thanked the Cohorns for coming.

Councilman Klump stated he is not sure he will miss this room and he is excited to go to the next one. The Library is anxious to get us out of here.

**ADJOURN**

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:00 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 20<sup>th</sup> day of January 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

**Dated this 27<sup>th</sup> day of January 2009**

\_\_\_\_\_  
City Clerk Cristina G. Whelan, CMC

**PASSED, APPROVED AND ADOPTED** this 2<sup>nd</sup> day of February 2009.

\_\_\_\_\_  
/S/ GERALD W. LINDSEY  
MAYOR GERALD W. LINDSEY

ATTEST: /s/ Cristina G. Whelan, CMC  
City Clerk Cristina G. Whelan, CMC