

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY
COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
HELD ON THIS 16TH DAY OF FEBRUARY 2009**

CALL TO ORDER-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, February 16, 2009, at 7:00 p.m., stating it was good to have visitors and members of the Willcox FFA present.

ROLL CALL-The Mayor announced all Council members are present.

PRESENT

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

STAFF

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

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey.

CALL TO THE PUBLIC

Ms. Revonda Laws, Chairman of the Parks & Recreation Commission, reported on the Parks & Recreation 3rd Annual Senior event. A Senior Sweetheart Dance will be held on Friday, February 27, 2009 at the Willcox Community Center for Senior citizens and guests from 6:30 p.m. to 8:30 p.m. The cost is \$2 each and everyone is invited to come and dance to the music of "Partners," a two member band that sounds like a whole band. Ms. Laws left brochures at the back of the room for everyone to take with them to their homes or offices.

DECLARATION ON CONFLICT OF INTEREST

Vice Mayor Schultz declared Conflict of Interest on Agenda #12 & #13 relating to the appointments to the Airport Ad Hoc Committee and appointments to the Historic Preservation Committee. Councilwoman Cronberg declared a Conflict of Interest on Agenda #11 relating to the IGA with Willcox Unified School District.

ADOPTION OF THE AGENDA

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

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

PETITIONS, PUBLIC HEARINGS AND COMMUNICATIONS

PROCLAMATION: The Mayor read and proclaimed February 23-27 as "**Willcox FFA Week**" and presented the proclamation to Ms. Alanna Riggs and Ms. Jordyn Clem.

COMMUNICATIONS: The Mayor read the First Reading of Ordinance NS291 Amending Title 17 "Zoning" Of The Willcox Municipal Code, In Accordance With Section 17.92.230 To Rezone Parcel Number 203-03-001B From TR-36 (Residential) To R-1, R-3, R-4 (Residential) And H-1 (Highway Service).

PUBLIC HEARINGS: The Mayor announced that the Mayor and Council will hold a public hearing on Monday, March 2, 2009 regarding Ordinance NS291 Amending Title 17 "Zoning" Of The Willcox Municipal Code, In Accordance With Section 17.92.230 To Rezone Parcel Number 203-03-001B From TR-36 (Residential) To R-1, R-3, R-4 (Residential) And H-1 (Highway Service). Mayor stated 2003!

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

DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES OF FEBRUARY 2, 2009

MOTION: Councilman Johnson moved to adopt the regular meeting minutes held on February 2, 2009, as presented.

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SECONDED: Vice Mayor Schultz seconded the motion. **DISCUSSION:** Councilwoman Cronberg stated there is a typographical error on page one (1), Declaration of Conflict of Interest on Agenda Item #5 to remove the letter 'l' from the word 'recluse' to have it read 'recuse.' **CARRIED.**

DISCUSSION/DECISION REGARDING REQUEST FROM THE QUILT SHOW CHAIRMAN, RUTH JENSEN, FOR WAIVER OF BUSINESS PERMIT FOR THE THIRD ANNUAL QUILT SHOW TO BE HELD AT THE WILLCOX METHODIST CHURCH ON MAY 16, 2009 FROM 9:00 A.M. TO 5:00 P.M.

MOTION: Councilman Johnson moved to approve the request from the Quilt Show Chairman, Ruth Jensen, for waiver of business permit for the 3rd Annual Quilt Show to be held at the Willcox Methodist Church on May 16, 2009 from 9:00 a.m. to 5:00 p.m.

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

DISCUSSION/DECISION REGARDING THE REQUEST FOR STREET CLOSURE ON RAILROAD AVENUE FROM MALEY TO STEWART FOR THE 18TH ANNUAL TRIBUTE TO MARTY ROBBINS BEGINNING FRIDAY, MARCH 6, 2009 AT 8:00 A.M. TO SATURDAY, MARCH 7, 2009 AT 6:00 P.M.

MOTION: Councilman Johnson moved to approve the request for Street Closure on Railroad Avenue from Maley to Stewart for the 18th Annual Tribute to Marty Robbins beginning Friday, March 6, 2009 at 8:00 a.m. to Saturday, March 7, 2009 at 6:00 p.m.

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

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-10 APPROVING AND ADOPTING THE INTERGOVERNMENTAL AGREEMENT ("IGA") BETWEEN THE CITY OF WILLCOX ("CITY") AND THE WILLCOX UNIFIED SCHOOL DISTRICT #13 ("DISTRICT") FOR THE PURPOSE OF CONSTRUCTING A SOCCER FIELD FOR DISTRICT AND CITY USE AND AUTHORIZING THE MAYOR TO EXECUTE THE IGA AND DECLARING AN EMERGENCY TO EXIST

MOTION: Vice Mayor Schultz moved to approve Resolution NO. 2009-10, as stated, regarding WUSD #13 Soccer Field Construction Proposals.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Klump asked if staff has looked at other methods for doing this work. Some of this could be done by volunteers i.e. sprinkler systems and would benefit community and not sure if possible with liability. City Manager McCourt explained the City is doing the leveling, trenching for sprinkler system and he did not see where that could work although it is conceivable. We have constraints due to time lines and staff has not actively pursued that. Councilman Klump asked if this is in the budget and is it taking the place of lighting of the Tennis Courts. The City Manager replied this project does not affect the lighting of the Tennis Courts. Allocating equipment and manpower for these costs and Mr. Bonner will cover that in his projects because the City will be delaying some of our projects and this project does not affect the Tennis Court lighting. Mr. McCourt explained it was in the budget but we are pushing other work back and hope to catch up later in the year. Councilman Johnson asked those present if anyone was from the school and asked if the school is stable and well enough to maintain because of stories he is hearing that the school is cutting budgets. City Manager McCourt replied that question was not directly asked of the school and last week talked with Superintendent and he stated they could handle this project. Councilman Norris asked if this project would be done immediately so that it does not affect street work. Mr. McCourt explained our portion will be completed by the end of March. We are bumping some items and hope to catch up as year progresses. We anticipate being in and out during March 2009. Mr. Bonner explained when the temperature is over 50 degrees we can begin the chip sealing. Mr. McCourt added staff has planned discussing all street projects later in the agenda. Mayor Lindsey stated if pertain to this subject we should discuss it right now.

Mr. McCourt will cover Mr. Bonner's report under agenda #17 relating to Public Services & Works Update. Mr. Bonner presented a handout with projects completed in 2007 with dates completed and explained projects that are carry over for 2008-2009. Some projects were dropped due to cost and lack of funding found after budget was approved and had to shift funding on the equipment lease. Asked for Stimulus monies and the projects we can complete \$109,000 chip seal projects, patching other projects, because of one (1) position that was cut from the budget he is down to half of patching staff. Typically April temperature stays above 50 degrees. Preparation work on Wood Street and Fremont are dirt and difficulty with Wood Street and he thinks we could get it stabilized. This is a 3-block area and Fremont is one (1) block in length. The school project we have to clear it and it is open area. City Manager McCourt stated we will be waiting on the School to approve the agreement

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and assuming no unusual weather or if it rains then we will have more problems. Councilman Johnson stated we are moving quickly on the soccer project and yet we have delayed work on the Skate Park and asked if there are any plans. The City Manager replied "yes, moving forward on Skate Park" and will get him a date. Councilman Donahue pointed out the importance of this IGA with another government entity asking for our help because they are in same financial situation. Now is the time to come together with various organizations to get things done. **6-0-1** Councilwoman Cronberg recused herself. **CARRIED.**

DISCUSSION/DECISION RESOLUTION NO. 2009-11 APPROVING AND APPOINTING MEMBERS OF THE "WILLCOX AIRPORT AD HOC COMMITTEE" AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to approve Resolution No. 2009-11, as stated, relating to the appointments to the Willcox Airport Ad Hoc Committee.

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** Councilwoman Cronberg stated she counted 5-additional names rather than 4 as stated in the Resolution. City Attorney Figueroa replied when he did the Resolution there were 4-then another submitted letter and number was not changed by City staff. He explained the Mayor and Council members can approve the Resolution with subject to change additional members to 5 and that can be done.

AMEND MOTION: Councilman Johnson moved to amend motion to include 5 additional members.

SECONDED AMENDMENT: Councilwoman Cronberg seconded the motion. **DISCUSSION:** Councilwoman Cronberg asked if staff could read all the names. The Mayor read all the names and the additional 5-names. Councilman Johnson asked if meeting date has been set. City Manager McCourt replied it has not been set and reminded all that the meetings are open to the public. **VOTE ON AMENDMENT: 6-0-1** Vice Mayor Schultz declared Conflict of Interest. **CARRIED.**

VOTE ON ORIGINAL MOTION: 6-0-1 Vice Mayor Schultz declared Conflict of Interest. **CARRIED.**

DISCUSSION/DECISION REGARDING THE 2-APPOINTMENTS TO FILL THE VACANCIES ON THE WILLCOX HISTORIC PRESERVATION ADVISORY COMMITTEE

Mayor Lindsey read all the names of those persons interested in serving on the Willcox Historic Preservation Advisory Committee. Phil Stratton, Juanita Buckley, Charles Broeder and Monica Hogue. There are 2-vacancies and the Committee already has 3-members residing in the City limits. The Mayor asked for Point of Order since all were nominated and City Attorney Hector Figueroa explained once nominated and seconded the Mayor and Council can bring to a vote that nomination then proceed to the next until all vacancies have been filled.

MOTION: Councilman Norris nominated Phil Stratton.

SECONDED: Councilman Klump seconded the motion. **VOTE SHOW OF HANDS: Ayes-** Mayor Lindsey, Council members Norris, Klump and Donahue. **Nays-**Council members Johnson and Cronberg. **4-2-1** Vice Mayor Schultz declared Conflict of Interest. **CARRIED.** City Attorney Figueroa stated only one more vacancy to fill.

MOTION: Councilman Johnson nominates Juanita Buckley.

SECONDED: Councilwoman Cronberg seconded the motion. **VOTE SHOW OF HANDS: Ayes-**Mayor Lindsey and Councilman Johnson. **Nays-**Council members Norris, Cronberg, Klump and Donahue. **2-4-1** Vice Mayor Schultz declared Conflict of Interest. **NOT APPROVED.**

MOTION: Councilman Johnson moved to nominate Charles "Chuck" Broeder.

SECONDED: Councilwoman Cronberg seconded the motion. **VOTE SHOW OF HANDS: Ayes-** Mayor Lindsey, Council members Johnson, Norris, Klump and Donahue. **Nays:** Councilwoman Cronberg. **5-1-1** Vice Mayor Schultz declared Conflict of Interest. **CARRIED.**

City Manager McCourt thanked the Mayor and Council on the appointments because we had four (4) very well qualified applicants and only 2-vacancies.

DISCUSSION/DECISION REGARDING THE PURCHASE OF NEW SELF-CHECK SYSTEM FOR THE ELSIE S. HOGAN COMMUNITY LIBRARY

MOTION: Councilman Johnson moved to approve the purchase of the new Selfcheck System for the Elsie S. Hogan Community Library.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Klump asked clarification for Library Director Tom Miner to get it on record. City Manager McCourt explained this Selfcheck System is an automatic read bar code like grocery stores. It was bid out and one response was very specific and works for our purposes because of inter-branch loans

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and staff recommends for procurement of the 3M System which is dual compatible to satisfy all our needs. This is grant monies to purchase this equipment. Installation will be planned into the renovation of the Library and procure before grant expires and we lose availability. **CARRIED.**

DISCUSSION/DECISION REGARDING THE REPLACEMENT AND PURCHASE OF FIVE (5) FIRE HYDRANTS

MOTION: Councilman Johnson moved to approve the replacement and purchase of 5-fire hydrants.

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** City Manager McCourt explained we have to replace the fire hydrants due to all are worn out and it was bid out and Dana Kepner is the low bidder. We want to be sure that they do get exercised and ready to be used when necessary. Councilman Johnson asked if one is for South Haskell and Mr. Bonner replied it was replaced last year and the Councilman thought it was still leaking. **CARRIED.**

DISCUSSION/DECISION REGARDING TO AWARD DESA ARCHITECTURE TO PERFORM ARCHITECTURAL SERVICES FOR PHASE II OF THE CDBG GRANT FOR THE COMMUNITY CENTER

MOTION: Councilman Johnson moved to award DESA Architecture to perform Architectural Services for Phase II of the CDBG Grant for the Community Center.

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

UPDATE PUBLIC SERVICES & WORKS DIRECTOR DAVE BONNER

- The Well Project marches on. We are well into the Grant monies awarded by USDA-Rural. Some time ago Dave presented change order #8 which included equipment replacement and work on Well #3. When we took the pumps out of Well #1 and Well #3 additional needs were noted and the Engineer came to us with work needed. Well #3, the back up well, has a capacity of 340 gallons per minute. For low volume needs it could be turned on or during the winter or be left on. However, costs per gallon are lower with the use of a more efficient pump with higher horsepower. Change order to do the work on the casing will be coming up to Mayor and Council once finalized. There is some damage at 160' cascading. They want to seal that off or add casing from that point up. The \$17,000 additional cost will be covered with the Grant monies. Tonight he is not asking for approval just heads up. We need about \$20,000 for additional for control work and are trying to use that money on Well #1. Right now there are old controls in the control room with large motor starters that are losing efficiency. Staff will be bringing this item to the Mayor and Council at its next meeting.

- Public Safety Complex Building-hoping to have good news tonight. While working on design façade computer crashed and hopes will not have to redo all his work. Will have work sent out for contractor and he will continue to work on lighting on parking lot and landscape.

- Briefing on the 340 Enhancement Grant-the preliminary work that was done by company assigned, DMJM, the design and cost are out of line by twice the amount. Staff has to go back to them. The work to be done is on both sides of Ft. Grant Road east from Travel America to Quail Drive. It includes a walking trail and landscaping on both sides of the road. The grant is for a little over \$400,000. Staff has been in contact with SEAGO a couple weeks ago and we have time to complete. ADOT wants to see everything done.

Mayor Lindsey asked if there was anything to report on the signage. Mr. Bonner will be working on that after the façade. Councilman Norris asked if Mr. Bonner is able to discuss the road deal and if he is starting to prepare anything. Mr. Bonner explained the calculations necessary to get this work under way have been prepared. Bids have been received. Councilman Norris feels that is something City needs to attack. Mr. Bonner stated by the end of March staff will have something to present to the Mayor and Council. Councilman Norris asked Finance Director Graham if the 1% is still designated for streets and she replied in the affirmative. He wants to see as much as possible get done this year.

REPORTS BY THE CITY MANAGER PAT McCOURT

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

- **Update on Library Renovations**-Asked Tom Miner to do that update. Library Director Miner reported finally moving forward. There first meeting was held February 24, with Dawn K. Brown, Architect designer for Libraries and is with the firm of Dick and Fitch Design DFGD.com based in Phoenix. Items considered were the specified budget amount overall, amount spent-to-date of \$11,000 on the metal roof, projected expenditures, project scope of work, and background configuration. Ms. Brown took lots

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of photos and measurements. Last Friday night he received a copy of the proposal and will meet with Mr. Bonner and the City Manager to discuss that proposal.

-Update Smart Growth-The new Smart Growth score card requirement was mentioned earlier during the budget work session. Building Inspector Jeff Stoddard reported this project was started six months ago. Planning & Zoning have graded it and adjustments were made. Most cities are going with a lower score to allow room for improvement. We are at 62.5%, which the State rates as transition. The score card is required for all State funding requests including GADA and CDBG. The score card will affect residents and businesses outside the City limits as well. It includes our surrounding area and will also assist companies and farmers outside the City if they are looking for grants. The State will look at the closest municipality to see if it has filed a Smart Growth score card. Mr. McCourt added the requirement affect other entities such as joint projects with the Chamber. If the City does not have its score card on file, the application may not be considered. The score card has been completed and a copy will be in the Council members mail boxes and available for public to review. Mr. Stoddard will file it on-line this week, and it can be updated at any time. Mayor Lindsey thinks the score card requirement won't survive the new administration and until that time comes we have to get it done.

- **Planning & Zoning Commission will hold a Public Hearing regarding the General Plan on Wednesday, February 25, 2009 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive**-some Council members attending summary review and encouraged them to attend on the 25th.

- **Mayor's/Manager's Meeting at Ft. Huachuca** – the City Manager, Mayor and Vice plan to attend and if any one else wants to attend to let City Clerk Whelan know.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Mayor Lindsey liked to compliment Pat (City Manager), Ruth (Finance Director) and staff that worked on the budget update. They presented vital information which has given a good indication of the direction the Council needs to take. The hours spent on preparation were very helpful to them. Detailed information which stands out he talked already discussed with the City Manager. The City Manager has told us we can be thankful in the position we are in. When we consider the State as a whole, and he has looked at other cities, we are in good shape. The Mayor has received numerous compliments on the new Public Safety and Council facilities. It has been a long struggle and we are here now enjoying the benefits of the work that was put in. Councilman Johnson reported the Marty Robbins Fund Raiser was held on Saturday and was well attended. March 6-7 is the 18th Annual Marty Robbins event. Our community supports one another and proud to be a member of this community.

Councilwoman Cronberg requested for couple of items to be on a future agenda: discussion on Work Force Housing and discussion on Independent Management entity for Quail Park.

Councilman Donahue stated that first he is really happy with results of agenda #11 regarding WUSD. With the present state of our economy it's important that we all pull together. Cochise College is expanding and that means our community is getting more trained workers. In Willcox behind Rodeo events Soccer is very popular. It is very important to attend meetings and he asked those in the audience to continue to attend meetings for the school, hospital, and council. He complimented Jeff Stoddard about when he had the opportunity to see him at work dealing with a Contractor. Mr. Stoddard was very pleasant and polite. He asked if the contractor had secured a Business License and gave him the information about where to obtain it. Vice Mayor Schultz also reported that Marty Robbins was "somewhat successful" and thinks they did make a little money. Compliments Pat for the short time he has been here he has a good handle on what is going on in the City and complimented staff for keeping them out of trouble.

Councilman Norris thanked everyone for their hard work and it is good to know where we are in the budget. Ruth and Pat did a good job and so did everybody. Need to look at what we need to do for next year's budget.

Councilman Klump stated this is the most informative meeting he has attended. It was easy to understand because staff did a good job. Requested the Council packets are prepared and delivered earlier in the week. He thanked the community for the overwhelming support given to his family after their recent tragedy.

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:10 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 regular meeting of the City Council of the City of Willcox held on the 16th day of February 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 23rd day of February 2009

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

PASSED, APPROVED AND ADOPTED this 2nd day of MARCH 2009.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY
Signed: March 3, 2009

ATTEST:

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