

CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA-Statement of Legal Actions
Monday, March 2, 2009

7:00 p.m.

City Council Chambers

NOTE NEW LOCATION: 300 W. Rex Allen Drive
Willcox, AZ

(Mayor or Designee will read only **BOLD** print of each agenda item,
except for Public Hearings, Petitions and Communications.)

Resolution No. 2009-14
Ordinance NS292

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, March 2, 2009, at 7:00 p.m.
2. **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
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Building Inspector Jeff Stoddard

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey
4. **CALL TO THE PUBLIC**-Justice of the Peace Trevor Ward, Precinct #4 reported on the status of Justice Courts. At the end of evening he will respond to any questions under the City Manager Reports. Status figures are from January to December 2008 and include when his Court took over of our Magistrate Court on July 1, 2008. He also reported that the Willcox Court had over \$1 Million in uncollected fines. A collection agency was hired and they sent to them the files and they send letters out and if no response they will put a hold on their State Tax Returns; hold on registration of vehicle and they are averaging \$12,000 month. The County Court Budget has to cut 8% this year and another 5% next year or 13% cut and of his budget 90% is wages. Judge Ward has been told to cut 10% by June 2010, although, he is not sure how he is going to do it. Does not want to take away from Clerks for the work they do.
5. **DECLARATION ON CONFLICT OF INTEREST**- Vice Mayor Schultz declared possible conflict on agenda #11 relating to the Management of Quail Drive Sports Park and declared conflict on #13 relating to the appointments to the Airport Ad Hoc Committee. There was no further response from the Mayor and Council members or staff.

ADOPTION OF THE AGENDA-It was moved and seconded to table from the agenda #7 regarding Public Hearing and Second Reading of Ordinance NS291 and #9 its decision and remove from the agenda #18 relating to WIFA and to adopt the remainder of the agenda as presented. **CARRIED.**

7. ~~**PETITIONS, PUBLIC HEARINGS AND COMMUNICATIONS**~~ ~~**TABLED!**~~

~~**COMMUNICATIONS:** Second Reading of Ordinance NS291 Amending Title 17 "Zoning" Of The Willcox Municipal Code, In Accordance With Section 17.02.230 To Rezone Parcel Number 203-03-001B From TR-36 (Residential) To R-1, R-3, R-4 (Residential) And H-1 (Highway Service).~~ **Tab 1**

~~**PUBLIC HEARINGS:** 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).~~

~~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.~~

8. DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES OF FEBRUARY 16, 2009 AND THE WORK SESSION HELD ON FEBRUARY 16, 2009 Tab 2

It was moved and seconded to adopt the regular meeting minutes of February 16, 2009, and the work session held on February 16, 2009. **CARRIED.**

~~**9. DISCUSSION/DECISION 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).**~~ Tab 1
~~**TABLED**~~

~~Consideration discussion and/or decision 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).~~

10. DISCUSSION/DECISION REGARDING WELL #2 PROJECT CHANGE ORDER #9 Tab 3

It was moved and seconded to approve the Well #2 Project Change Order #9, as presented. **CARRIED.**

11. DISCUSSION/DIRECTION TO STAFF TO PROCEED WITH THE PROCESS OF SOLICITING MANAGEMENT SERVICES TO MANAGE AND/OR PROMOTE QUAIL PARK RODEO GROUNDS Tab 4

Discussion was held by the Mayor, Council members and staff. Mayor Lindsey directed staff that at this point discussion needs to be held with the Quail Park Ad Hoc Committee, and at this time we want to put on hold a decision until the Committee has had a chance to look at alternatives at the Quail Park and come back and try to incorporate their recommended ideas.

12. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-12 APPROVING AMENDMENT 1 TO THE FY 2008-2009 AGREEMENT BETWEEN THE CITY OF WILLCOX ["CITY"] AND THE SOUTHEASTERN ARIZONA COMMUNITY ACTION PROGRAM, INC, ["SEACAP"] AMENDING SECTION 5 "REFUNDS" AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST Tab 5

It was moved and seconded to adopt Resolution No. 2009-12, as stated, relating to Amendment 1 to FY2008-09 Agreement with SEACAP. **CARRIED.**

13. DISCUSSION/DECISION REGARDING THE APPOINTMENTS OF MEMBERS TO THE QUAIL PARK AD HOC COMMITTEE Tab 6

It was moved and seconded to approve all applicants to the Quail Park Ad Hoc Committee. **VOTE: 6-0-1 Abstained-Vice Mayor Schultz. CARRIED.**

14. DISCUSSION/DIRECTION TO STAFF REGARDING THE PROPOSED HOUSING ASSISTANCE IN THE CITY OF WILLCOX Tab 7

Discussion was held by the Mayor, Council members, staff and individuals from Non-Profit Organizations from Sierra Vista and Tucson. Mayor direction to staff is we need to look at what has already been done, the ways we could divest this property and assist in this operation and look at alternative #1 do we want to donate the land; if yes, then other options we have to do to get it done.

15. DISCUSSION/DECISION REGARDING STREET CLOSURE REQUEST BETWEEN MALEY AND STEWART ON RAILROAD AVENUE BY MARSHALL BO DOWNING (Note: spelling is Downey) Tab 8

It was moved and seconded to approve the Street Closure request by Marshall Bo Downey. **CARRIED.**

16. DISCUSSION/DECISION REGARDING EXTENDING THE SOLID WASTE CONTRACT Tab 9

It was moved and seconded to approve extending the Solid Waste Contract. **CARRIED.**

17. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-13 APPROVING AND APPOINTING MEMBERS OF THE "WILLCOX HISTORIC PRESERVATION ADVISORY COMMITTEE" AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST Tab 10

It was moved and seconded to adopt Resolution NO. 2009-13, as stated, relates to the appointments to the Willcox Historic Preservation Advisory Committee, terms to expire December 31, 2012. **VOTE: 6-0-1 Abstained** Vice Mayor Schultz. **CARRIED.**

~~**18. DISCUSSION/DECISION REGARDING ACCEPTANCE OF THE WATER INFRASTRUCTURE FINANCE AUTHORITY (WIFA) TECHNICAL ASSISTANCE GRANT**~~ ~~Tab 11~~
~~**REMOVED FROM AGENDA.**~~

19. DISCUSSION/DECISION REGARDING THE LEASE TO OWN 938 WHEEL LOADER Tab 12

It was moved and seconded to approve Option #1 the lease to own 938 Wheel Loader. **CARRIED.**

20. REPORTS BY THE CITY MANAGER PAT McCOURT Tab 13

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

- **Skate Park Meeting Update**-Mr. Bonner reported he met with Paul Sheets and Sally Van Haren today and the amount of money is \$15,000 and asked what is next step? Going to do bid specs and get that project underway and if have to peel some things down we can. Concrete and chain link fence longer than concrete area. Next meeting is on March 18 at Public Works building at 11:00 a.m. Councilman Johnson said the bid on concrete specs talked about going to ask for donation and Mr. McCourt replied look to maximize area we can get. Mayor Lindsey stated since we waited so long he asked if Skate Committee has come up with more money. Mr. Sheets replied last he heard was \$2500 from Chamber and the kids thinking until see action do they want to continue doing this. Mr. Sheets thinks today's meeting was great progress.
- **Airport Ad Hoc Advisory Committee** – Organizational meeting Wednesday, March 4, 2009 at 6:00 p.m., here in this room to select Chairman, Vice Chairman and set a meeting date.
- **Library Update**-Library Director Tom Miner reported they are still moving forward. Received formal proposal for Architectural design Friday and he, Mr. Bonner and Mr. McCourt are finalizing this. They are meeting tomorrow afternoon in more detail. After that then it will be brought to the Mayor and Council for approval.
- **Report on the Contract with JP Court** – started in July 2008 and heard report earlier. Pleased how progressing and contract ends on June 30, and asked do we want to extend the contract.
- **Report on Crack Seal Project on Ft. Grant Road**- Mr. Bonner reported amount approved \$20,000 and received invoice for \$5,500 and another invoice should be coming because following weekend they worked and anticipates it will be less than he asked for. The item was approved on Monday and the County started work on Friday.
- **Report on the Asbestos at the old Police Building**-151 W. Maley, preliminary steps. Building Inspector Jeff Stoddard reported asbestos survey was done last week and this week after he knows what it entails he will go out to bid.
- **Smart Growth Update**-state requirements. Mr. Stoddard has submitted to State the Smart Growth Committee. Ms. Green contacted him last week and it should be on their web site we have completed it.
- **Invitation First Things First**- working with Cochise County \$1.9M presenting check for Early Childhood Development in Sierra Vista on Friday, March 6. City not directly receiving funds and anyone interested contact the City Clerk Christy Whelan.
- **Long term water supply**-we are dumping some water this week and Mr. Bonner reported beginning tomorrow morning we have to start conducting a 48 hour draw test on Well. Consists of 48 hours of continuous operation of Well #2. The water in the tank will be reduced to level of 5'6" or 250,000 gallons. If any problems the Well will come on. Need to get aquifer to rest and starts at 8:00 a.m. Will begin watering park, hydrants running in that area, Middle School and Keiller Park and Quail Park will be primary areas. Staff will be flushing fire hydrants at the end of Rex Allen, Jr. Road by the Golf Course.
- **Received email Gabrielle Gifford**-teleconference in Sierra Vista, and received invitation to attend on Thursday. There is limited seating contact him tomorrow immediately if not contact City Clerk Whelan.
- **Welcomed them to St. Patrick's month and keeping with the green spirit.**
- **Counsel Justice Court**-consolidation best move City did. Received information where we were, where we came from and where we are. Thanked Judge Ward who personally participated and had a hand in this consolidation

and thanked him. Judge Ward stated he has a great staff and he has been asked to cut 10% wages and said “no way” and he has suggested taking it out of his wages.

- **WUSD Soccer**-The School is meeting on Tuesday and staff will be at the School Board meeting.

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

Councilwoman Cronberg wanted to thank Mr. McCourt and Mr. Figueroa on extra work to get her requests on agenda. Very good discussion this evening on very important matters and appreciates their work.

Councilman Johnson reminded everyone that Marty Robbins this week end.

Mayor Lindsey reminded all Council members that the League of Cities meeting is scheduled September 1 through September 4, 2009. Discussed with staff if we have funds to attend that and we may have to find funds somewhere else. The Mayor feels those meetings are critical for council members to attend. All Council members need to look at that date and adjust calendar and try to attend. Lots of information particularly with economic condition and feels we will get information and direction from that meeting that will be critical for Council.

Vice Mayor Schultz thanked Judge Ward cooperation and he does a great job. To Mr. McCourt he said he sees him everywhere and attends many meetings around town and thinks they did a good selection and thinks staff appreciates what he does. Bo Downey thanked the Mayor and Council for indulging him on Railroad Avenue and stated he looks forward to promoting Willcox.

22. ADJOURN 8:53 p.m.

Misc. Tab:

NOTE: People with disabilities may request reasonable accommodations. Requests must be made 48 hours prior to the meeting by contacting City Hall at 384-4271 during regular business hours 8:00 a.m. to 4:30 p.m., Monday through Friday.