

**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 MARCH, 2009**

CALL TO ORDER-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, March 16, 2009, at 7:00 p.m.

ROLL CALL-The Mayor announced all Council persons 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

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey

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

DECLARATION ON CONFLICT OF INTEREST-Mayor Lindsey declared a conflict on agenda item #11 regarding appointments to the Quail Drive Ad Hoc.

ADOPTION OF THE AGENDA

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

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

PETITIONS, PUBLIC HEARINGS AND COMMUNICATIONS

Communications: Mayor Lindsey read the first reading of Ordinance NS292 Creating and Adopting Health and Sanitation, Title 5, Chapters 1, 2 and 3 By Reference, Repealing Health and Safety, Title 8, and Nuisances, Title 9, Chapter 9.04 In Their Entirety, And All Ordinances Passed And Adopted Relating To All Repealed Sections Enumerated Therein.

Public Hearings: The Mayor announced that the Mayor and Council will hold two (2) public hearings on Monday, April 6, 2009 at 7:00 p.m., 300 W. Rex Allen Drive, (1) regarding Ordinance NS292 Creating And Adopting Health And Sanitation, Title 5, Chapters 1, 2, And 3, By Reference, Repealing Health And Safety, Title 8, And Nuisances, Title 9, Chapter 9.04 In Their Entirety, And All Ordinances Passed And Adopted Relating To All Repealed Sections Enumerated Therein, and

(2) Regarding the 2009 General Plan Update.

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 MARCH 2, 2009

MOTION: Councilman Johnson moved to adopt the regular meeting minutes of March 2, 2009.

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

PRESENTATION/DISCUSSION BY WILLCOX REGIONAL ECONOMIC DEVELOPMENT ALLIANCE (WREDA) BOARD

Mr. Telly Stanger, President WREDA Board explained in the Council members packets is the Rural Economic Development Initiative (REDI) Accreditation from the Chamber of Commerce and he is here tonight to inform the Mayor and Council that the accreditation is for the City. WREDA did this for the City and scored very well on the majority of all the questions. He thanked all persons on the WREDA board and Councilman Johnson and Kathy Smith for all their work. The award was given to only two cities in Arizona, and Willcox was chosen as one of the two. It has been a two year process. Mayor Lindsey stated the scores are very good and asked if there were any questions or comments from the council members. Councilman Norris asked if there are any projects underway, and Mr. Stanger replied they are looking for funds from Northern Arizona University (NAU) for a

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study that would be good for Willcox. NAU wants to do it and it will help us to identify who to recruit. Timing is of the essence and any other options working with County. Mayor Lindsey stated he appreciates all their work.

DISCUSSION/DECISION REGARDING THE MEMORANDUM OF UNDERSTANDING IN SUPPORT OF WILLCOX AGAINST SUBSTANCE ABUSE (WASA)

MOTION: Councilman Johnson moved to approve the Memorandum of Understanding in support of WASA.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Ms. Sally White, WASA, stated she is asking for letters because she is in the process of applying for Communities Grant and required to submit letters with application. Mayor Lindsey asked her to explain input needed from community. Ms. White reported that the application requires that twelve memorandums of understanding were needed before the application will be considered. She is asking for one from the City government and another from Law Enforcement. She has the others that she needed from various others. The grant application is requesting \$125,000. If the funds are available, WASA plans to put money into SRO and support that. Councilwoman Cronberg asked if she needs a separate one for Police too. Mr. McCourt stated the Police Department is the City and we can issue them another memo. Ms. White stated she applied last year and because she did not have a separate memo from a parent (she thought that half were parents on board that would be sufficient) it was denied. **CARRIED.**

DISCUSSION/DECISION REGARDING THE APPOINTMENT TO THE QUAIL DRIVE SPORTS PARK AD-HOC COMMITTEE (ONE [1] VACANCY TO FILL PER RESOLUTION)

Mayor Lindsey asked the Vice Mayor to handle item #11 due to declaring Conflict.

MOTION: Councilman Johnson moved that we not appoint another person because seven members is enough to bring things forward on the Quail Drive Sports Park Ad-Hoc Committee.

SECONDED: Vice Mayor Schultz seconded the motion. **DISCUSSION:** Councilman Norris asked what date the applications closed and City Manager McCourt replied February 6th. Councilwoman Cronberg asked if the range of appointments is covered. City Manager replied we have broad experience based on that. Councilwoman Cronberg said most letters that were submitted did not submit back ground information and she thinks it is a good committee as it stands. Councilman Norris asked if those present want to say something. Mr. Dennis Williams said he applied and letter was accepted and not sure under deadline but it was accepted by the City Clerk and should be taken under consideration. (Note: City Clerk accepted due to following same procedure done with Airport Ad Hoc Committee) Councilwoman Cronberg asked Mr. Williams they are looking for experience to add to the committee and asked him what would you bring? Mr. Williams replied he has 2-years with the Rex Allen Days Rodeo and somewhere there is a plaque presented to him. Equine events he has done since he was in his early 20's. Also team roping and just about any type of equine events that you'd want to put in that arena. His daughter Amy Whitfield also submitted a letter and is a business person in town and she grew up in an arena. Councilwoman Cronberg stated with Ad Hoc Committee in place that does not mean expertise out there is shut out and those meetings are open to the public and if not on the committee she hopes he will bring his benefit of expertise. Mr. Williams stated he has 12 events between now and the end of the year scheduled. Several events are set up and ready to go and 5-6 are set in concrete. Mr. Williams said he is always available and more than happy to give his "opinion." **VOTE: Ayes-** Vice Mayor Schultz, Council members Johnson, Cronberg and Klump. **Nays-** Councilmen Norris and Donahue. **Conflict:** Mayor Lindsey. **CARRIED 5-2-1.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-14 APPROVING AND ADOPTING THE INTERGOVERNMENTAL AGREEMENT ("IGA") BETWEEN THE CITY OF WILLCOX ("CITY") AND THOSE PARTICIPATING PUBLIC AGENCIES AS DEFINED IN A.R.S §11-951 ("PARTIES") FOR THE PURPOSE OF DEFINING WORKERS' COMPENSATION COVERAGE IN JOINT ACTIVITIES AND AUTHORIZING THE MAYOR TO EXECUTE THE IGA AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to approve Resolution NO. 2009-14, as stated, relates to IGA between the City and participating public agencies for the purpose of defining Workers' Compensation Coverage in Joint Activities.

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

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-15 AWARDED AND ADOPTING THE CONTRACT BETWEEN THE CITY OF WILLCOX ("CITY") AND DICK AND FRITSCHE DESIGN GROUP ("DFDG") FOR PROFESSIONAL ARCHITECTURAL DESIGN SERVICES AT THE ELSIE S. HOGAN COMMUNITY LIBRARY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE CONTRACT AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to approve Resolution NO. 2009-15, as stated, relating to awarding and adopting the contract between the City and DFDB for Professional Architectural Design Services at the Elsie S. Hogan Community Library.

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

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DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-16 LESSEE'S AUTHORIZING RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA TO APPROVE THE GOVERNMENTAL EQUIPMENT LEASE-PURCHASE AGREEMENT [AGREEMENT] BETWEEN THE CITY OF WILLCOX ["CITY"] AND CATERPILLAR FINANCIAL SERVICES CORPORATION ["CATERPILLAR"] FOR A MODEL 938H WHEEL LOADER, AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution NO. 2009-16, relating to Governmental Equipment Lease-Purchase Agreement between the City and Caterpillar Financial Services Corporation for a Model 938H Wheel Loader.

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

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-17 APPROVING AND ADOPTING THE AGREEMENT BETWEEN THE CITY OF WILLCOX ("CITY") AND THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY ("GOHS") FOR PURCHASING VEHICLE EXTRICATION EQUIPMENT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution NO. 2009-17, as stated, relating to Highway Grant Acceptance.

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

PRESENTATION BY PUBLIC SAFETY DIRECTOR JAKE WEAVER REGARDING UNIFORM CRIME REPORT STATISTICS

City Manager McCourt reported he had asked the Chief about the Willcox crime statistics. Chief Weaver compiled the statistics and reported on the Uniform Crime Report Statistics (UCR) information. The UCR program is voluntary with 17,000 reporting agencies across the United States. They voluntarily submit data to the FBI and compile certain information in a uniform manner. This report gives law enforcement a tool as to what type of activity is occurring in that community. Lots of time information gets misconstrued by the FBI and Chamber of Commerce and others will take that information to use. The agencies only have to report on seven (7) criteria for various offenses. Individual looks this up on the internet, especially real estate or those looking at community to move to and it can be abused. Willcox is witness to some of that already. The Chief realized our reports are not being reported accurately and he too was told Willcox had the highest crime in Cochise County. Chief Weaver said he did not believe that and when asked by City Manager McCourt to look at this he was very interested. It was found that Willcox was over reporting and reporting items that we should not have because i.e. some were not in city limits, another offense with less intensity. Of the seven (7) criteria there are two (2) categories: violent crimes-criminal homicide, forcible rape, robbery and aggravated assault. The total for violent crime was 10 in 2008. The second is: property crimes-burglary, larceny and motor vehicle theft and total for 2008 were 159 reported. These two (2) categories total of 10 and 159 for 2008 and add together is Total Crime Index or 169 and that is what was reported to the FBI. Therefore, 169 divided by population 3,913 to get our rate. Another option is take population and divide by 169 or 1 person out of every 23 could be victim of a crime. A comparison was made with several Cochise County cities and around the state. We are lower than some and higher than others although "crime is not skyrocketing" in Willcox. The Willcox Police Department has a much higher Average Clearance Rate for violent offenses and property crimes. As Director of Public Safety the Chief is proud to say we have a safe community with police and fire protection to keep our citizens safe. Mayor Lindsey said the Average Clearance Rate is outstanding. Ms. Smith asked Chief if he has shared this with Dr. Ferreria and the Chief replied in the affirmative. Councilman Johnson thanked him and to pass the sentiment to his staff. Keep up the good work and stated he is very proud of our Chief. The Chief stated his people are doing a good job and very proud of them. Vice Mayor Schultz stated that we have one of the best police departments in the State.

REPORTS BY THE CITY MANAGER PAT McCOURT

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

- **Tennis Court Lighting** –City Manager McCourt asked Public Services & Works Director Dave Bonner to report on a couple items. Mr. Bonner reported we have four (4) vendors looking at proposed number of lights and get us quotes. Looking at quotes ranging from \$8,000 to \$20,000 and asked to revise because the bids were not consistent. Propose 4-lights on each side of tennis court and asked them where the best place to locate those lights? Easiest would be the furthest west court. The east side is full of transformers already. Also lights could tie in with soccer field power. Mayor Lindsey stated the comment on tennis lighting he heard is disturbing report that the tennis courts are kept locked up and not available to the public. The Mayor thinks we need to discuss that with the School before we put up any lighting, although he has not checked that comment out. Mr. Bonner will follow up on that. Councilman Norris asked if SSVEC partner with us and Mr. Bonner will talk with them on more detail. Mayor Lindsey said SSVEC has told him they would.

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- **Update on the Golf Course Building-** Mr. Bonner reported the slump block building he had 6-contractors look at that to get prices for removal, construction of a new roof and awning on east side of building and all new trusses. Bids are due on the 20th and should have information by next meeting. Mayor Lindsey asked staff where we are at tearing down old building and City Manager McCourt replied he has not assigned that one yet.
- **Soccer Field** – Mr. McCourt reported it is moving and Mr. Bonner stated we have 2-more weeks and then irrigation. The City Manager stated after that then the City is done per agreement and we will get ready for our season to work on our roads before major rain storms. Councilman Norris asked if we have a date to start and City Manager replied we are working on repairs and prep type work already and Mr. Bonner added the major plan is for April to target chip seal.
- **Mayor/Manager Luncheon-** March 25, 2009 in Benson, RSVP due by March 18, 2009 with menu selection.
- **Thanked those able to assist with League’s call for message to Legislators-**there was a sentence in the bill to strip \$17M on current budget which we have received payments over the past 9-months.
- **St. Patrick’s month-**tomorrow is the pinnacle and stated “don’t forget to wear green!”

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Johnson thanked City Manager McCourt for the agenda briefing meetings on Thursday which gives them extra day to look at packets and appreciates staff getting it together. Thanked City Clerk Whelan and she thanked the Directors. Councilman Donahue stated staff is doing a great job. He spent time in Phoenix and Bisbee last week on House Bill and Senate Bill which have real potential issues coming. We have great friends there at the Legislature and last week heard that the Senate is trying to pass a ban on City and Counties lobbying at the State. It would mean our friends at the League would be hobbled. They are going to need to hear from us. It is going to be difficult year.

Vice Mayor Schultz reminded everyone on agenda meetings Mr. McCourt is here from 4:30 p.m. to 7:00 p.m. and it is open to the public to discuss items on the next agenda.

Councilman Norris thanked Mr. McCourt and staff for good work, and thanked Chief for report.

Mayor Lindsey stated (1) he liked the Marty Robbins over the weekend and enjoyed the stage show. (2) Read letter regarding City employee Sandy Thomas, Development Services Admin. Assistant, saying that she is a true asset to the City and asked Mr. Stoddard to pass that on to her from Coldwell Banker. (3) SEAGO had annual meeting Saturday and the current Executive Director Rich Garr is resigning June 1st and elected Randy Heiss, Town Manager of Patagonia. Candidate Eddie Browning opted out due to amount of time driving. The vote was very close.

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 7:59 p.m.

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 March 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 1st day of April 2009

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

PASSED, APPROVED AND ADOPTED this 6th day of APRIL 2009.

ATTEST:

/s/ GERALD W. LINDSY
MAYOR GERALD W. LINDSEY
Signed: April 9, 2009

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