

**CITY OF WILLCOX**  
**MAYOR AND CITY COUNCIL MEETING**  
**AGENDA-Statement of Legal Actions**  
**Monday, March 16, 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. 2009-17**  
**Ordinance NS293**

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, March 16, 2009, at 7:00 p.m.
2. **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

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey
4. **CALL TO THE PUBLIC**-There was no response from the public present.
5. **DECLARATION ON CONFLICT OF INTEREST**-Mayor Lindsey declared a conflict on agenda item #11 regarding appointments to the Quail Drive Ad Hoc Committee.
6. **ADOPTION OF THE AGENDA**-It was moved and seconded to adopt the agenda as presented. **CARRIED.**

7. **PETITIONS, PUBLIC HEARINGS AND COMMUNICATIONS**

**Tab 1**

**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Title 8, And Nuisances, Title 9, Chapter 9.04 In Their Entirety, And All Ordinances Passed And Adopted Relating To All Repealed Sections Enumerated Therein.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, **Tab 2** 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Title 8, And Nuisances, Title 9, Chapter 9.04 In Their Entirety, And All Ordinances Passed And Adopted Relating To All Repealed Sections Enumerated Therein, and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.

8. **DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES OF MARCH 2, 2009** Tab 3  
It was moved and seconded to adopt the regular meeting minutes of March 2, 2009. **CARRIED.**
9. **PRESENTATION/DISCUSSION BY WILLCOX REGIONAL ECONOMIC DEVELOPMENT ALLIANCE (WREDA) BOARD** Tab 4  
Mr. Telly Stanger, President WREDA Board explained in the Council members packets is the Accreditation from 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. Willcox was chosen of one of the two Cities' and it has been 2-years in the works. Mayor Lindsey stated the scores are very good and asked if there were any questions or comments from the council members. Councilman Norris asked any projects they are working on and Mr. Stanger replied they are looking for funds from Northern Arizona University (NAU) for 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.
10. **DISCUSSION/DECISION REGARDING THE MEMORANDUM OF UNDERSTANDING IN SUPPORT OF WILLCOX AGAINST SUBSTANCE ABUSE (WASA)** Tab 5  
It was moved and seconded to approve the Memorandum of Understanding in support of WASA. **CARRIED.**
11. **DISCUSSION/DECISION REGARDING THE APPOINTMENT TO THE QUAIL DRIVE SPORTS PARK AD-HOC COMMITTEE (ONE [1] VACANCY TO FILL PER RESOLUTION)** Tab 6  
It was moved and seconded not to appoint another person to the Quail Drive Sports Park Ad-Hoc Committee a seven (7) member board is sufficient to bring things forward. **VOTE:** 4-Ayes; 2-Nays Councilmen Norris and Donahue and 1-Conflict declared by Mayor Lindsey. **CARRIED 4-2-1.**
12. **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** Tab 7  
It was moved and seconded 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. **CARRIED.**
13. **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** Tab 8  
It was moved and seconded 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. **CARRIED.**
14. **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.** Tab 9  
It was moved and seconded 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. **CARRIED.**
15. **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.** Tab 10

It was moved and seconded to approve Resolution NO. 2009-17, as stated, relating to Highway Grant Acceptance.  
**CARRIED.**

**16. PRESENTATION BY PUBLIC SAFETY DIRECTOR JAKE WEAVER REGARDING UNIFORM CRIME REPORT STATISTICS** **Tab 11**

City Manager McCourt reported he heard that we are not looking “that good.” Asked the Chief about it and did a through investigation and asked the Chief to make that presentation. Chief Weaver 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, they compile certain information and uniform across the border. This report gives law enforcement a tool what type of activity 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 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 is doing a good job and very proud of them. Vice Mayor Schultz stated that probably everyone in this room agrees we have one of the best police departments in the State.

**17. REPORTS BY THE CITY MANAGER PAT McCOURT** **Tab 12**

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.
- **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 20<sup>th</sup> 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**- Wednesday, March 25, 2009 in Benson, RSVP due to City Clerk by Wednesday, March 18, 2009 with menu selection.

- **Thanked those able to assist with Legislative**-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!"

**18. 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 for good work. Lots of things are starting to get done by staff and thanked Chief for report.

Mayor Lindsey stated (1) he liked the Marty Robbins over the weekend and enjoyed the stage show said he related to the amateurish performers. (2) Read letter regarding City employee Sandy Thomas, Development Services Admin. Assistant, that she is a true asset to the City and asked Mr. Stoddard to pass that on to her from Coldwell Bankers. (3) SEAGO had annual meeting Saturday and the current Executive Director Rich Garr is resigning June 1<sup>st</sup> and elected Randy Heiss, Town Manager of Patagonia. There were 4-candidates and Eddie Browning opted out due to amount of time driving. The vote was very close.

**19. ADJOURN-7:59 p.m.**

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**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.