

CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA- Statement of Legal Actions

Monday, April 6, 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. 2009-23
Ordinance NS295

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, April 06, 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
Library Director Tom Miner
Public Safety Director Jake Weaver
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**- Mr. Thomas Soto works for Southeastern Arizona Behavior Health Services (SEABHS) and is here tonight to talk about the three bedroom house at 464 N. Curtis Avenue. SEABHS is a non-profit organization which owns houses in Willcox, Benson, Douglas, Sierra Vista and Safford. Mr. Soto is the Housing Coordinator and a certified inspector. The tenants pay 30% of the cost and HUD finances the rest. The unit provides independent housing and people sign lease and pay rent. Three people live there; one is from Willcox and the other two are from the county. SEABHS supplies benefits and support services to get people back on their feet. The residents can live there so long as they pay the rent. Mr. Soto left information packets in Spanish and English. Mayor Lindsey thanked him for coming.
5. **DECLARATION OF CONFLICT OF INTEREST**- Councilman Donahue declared conflict of interest on agenda item #19 regarding request from NCCH.
6. **ADOPTION OF THE AGENDA**-It was moved and seconded to adopt the agenda and move agenda items numbered 13 (Resolution No. 2009-21 WASA Contract), 16 (Technical Assistance Grant), 17 (Jr. Rodeo waive fees and use of arena), and 19 (NCCH request waive fees at Community Center), after item #8 (minutes) on the agenda.
7. **PETITIONS, PUBLIC HEARINGS AND COMMUNICATIONS** **Tab 1**
Proclamation: The Mayor read and proclaimed: (1) the month of April as "*Fair Housing Month*" and (2) "*National Library Week*" April 12-18, 2009. The Mayor presented the proclamation to Library Director Tom Miner. **APPLAUSE.**

Communications: Mayor read the (1) First reading of Ordinance NS294 Amending Title 1, Chapter 7, Article A, **Tab 2**
City Officers And Personnel For The Specific Purpose Of Amending Section 1-7A-2 ["Appointment"] Related To The City
Manager And Declaring An Emergency To Exist; and

He read (2) Second reading of Ordinance NS292 Creating And Adopting Health And Sanitation, Title 5, Chapters **Tab 3**

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 Hearing: The Mayor and Council will hold two (2) public hearings on Monday, April 6, 2009 at 7:00 p.m. **Tab 3**
(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

Mayor Lindsey opened the public hearing at 7:15 p.m. regarding Ordinance NS292, as stated. The Mayor asked if there was any comment from the public concerning the changes proposed. Hearing none the Mayor asked if there was any comment from Council members. Hearing none he closed the public hearing regarding Ordinance NS292 at 7:16. p.m..

(2)The Mayor opened the Public Hearing at 7:16 p.m. regarding the 2009 General Plan Update. The Mayor asked Mr. Larry Harmer from W. C. Scoutten & Company to present information. Mr. Harmer reported he has been working with City staff and Planning & Zoning for about 12 months to update the City's General Plan. The existing General Plan was cumbersome and hard to follow and now it has been simplified. Mr. Harmer will address specific questions under agenda item #12. The adoption requires a 2/3 vote of the Council, or five Ayes.

Mayor Lindsey asked if there were any comments from the public or council persons. Hearing none the Mayor closed the public hearing at 7:25 p.m.

(3) The Mayor and Council will hold a public hearing on Monday, April 20, 2009 at 7:00 p.m. regarding **Tab 2**
Ordinance NS294 Amending Title 1, Chapter 7, Article A, City Officers And Personnel For The Specific Purpose Of Amending Section 1-7A-2 ["Appointment"] Related To The City Manager And Declaring An Emergency To Exist.

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 16, 2009** **Tab 4**
It was moved and seconded to adopt the regular meeting minutes of March 16, 2009, as presented. **CARRIED. (Per motion next item is #13.)**
9. **DISCUSSION/DECISION 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.** **Tab 3**
It was moved and seconded to adopt Ordinance NS292, as stated, relating to Creating and Adopting Health and Sanitation in Title 5, Title 8 and Title 9 of the Willcox Municipal Code Book. **CARRIED.**
10. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-18 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "TITLE 5, [HEALTH AND SANITATION]; CHAPTER 1, [GENERAL HEALTH AND SANITATION REGULATIONS]; CHAPTER 2, [NUISANCES]; AND CHAPTER 3, TRANSIENT DWELLINGS]"** **Tab 5**
It was moved and seconded to adopt Resolution NO. 2009-18, as stated, relating to declaring as a public record Title 5, Chapter 1, 2 and 3. **CARRIED.**
11. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-19 APPROVING AND ADOPTING THE FINE/FEE SCHEDULES IN ACCORDANCE WITH TITLE 1, CHAPTER 4, SECTION 1-4-1; AND TITLE 5, CHAPTER 1, SECTION 5-1-1; CHAPTER 2, SECTIONS 5-2-2; 5-2-4; 5-2-6; 5-2-8 AND CHAPTER 3, SECTIONS 5-3-10 AND 5-3-12.** **Tab 6**
It was moved and seconded to adopt Resolution NO. 2009-19, as stated, relating to the Fine/Fee Schedules. **CARRIED.**
12. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-20 ADOPTING A NEW GENERAL PLAN FOR THE CITY PURSUANT TO A.R.S. §9-461.06; DECLARING THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "CITY OF WILLCOX 2009 GENERAL PLAN" A PUBLIC RECORD; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.** **Tab 7**
It was moved and seconded to table this item. **CARRIED.**

13. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-21 APPROVING THE SERVICE CONTRACT FOR PURCHASE OF RECREATIONAL AND EDUCATIONAL SERVICES [“SERVICE CONTRACT”] BETWEEN THE CITY OF WILLCOX [CITY] AND WILLCOX AGAINST SUBSTANCE ABUSE [“WASA”] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE SERVICE CONTRACT AND DECLARING AN EMERGENCY TO EXIST.** Tab 8
 It was moved and seconded to adopt Resolution NO. 2009-21, as stated, relating to the Service Contract between the City and WASA. **CARRIED. (Next item considered is #16 per motion.)**
14. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-22 APPROVING AND RATIFYING THE SUBMISSION OF THE LIBRARIES, LITERACY AND GAMING APPLICATION FOR THE PURPOSE OF IMPLEMENTING LITERACY DEVELOPMENT FOR YOUTH 10-18 YEARS OF AGE AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST** Tab 9
 It was moved and seconded to adopt Resolution No. 2009-22, as stated, relating to approving and ratifying the grant submission. **CARRIED.**
15. **DISCUSSION OF THE AUDIT RESPONSE LETTER TO HINTON BURDICK REGARDING THE FISCAL YEAR 2008 ANNUAL AUDIT** Tab 10
 City Manager McCourt reported original letter included in the Mayor and Council’s packets and staff response to each of those items. Some items have already been fixed and some we do not feel is economic to fix. Mayor Lindsey stated the letter appears to address all of the areas that we have Audit Exceptions from.
16. **DISCUSSION OF TECHNICAL ASSISTANCE GRANT THROUGH THE NATIONAL PARK SERVICE** Tab 11
 Account Clerk Crystal Hadfield introduced Ms. Cate Bradley of the National Park Services. They are here regarding the Technical Assistance Grant through the National Park Service of the ponds which were flooded out in 1983. She presented a power point on this TA Grant. Preliminary Design is available upon request.
(Next item considered is #17 per motion.)
17. **DISCUSSION/DECISION REGARDING THE ARIZONA JUNIOR RODEO ASSOCIATION REQUEST TO WAIVE THE ARENA FEES FOR THEIR ANNUAL WILLCOX RODEO ON APRIL 25-26, 2009; REQUEST ACCESS TO WATER FOR WATER TRUCK, USE OF ANNOUNCER STAND AND PA SYSTEM, USE OF LIGHTS ON FRIDAY, APRIL 24 FOR BARREL RACE AND SATURDAY, APRIL 25 FOR TEAM ROPING** Tab 12
 It was moved and seconded to approve the AZ Junior Rodeo Association request to waive the arena fees for their annual Willcox Rodeo on April 25-26, 2009 and items as stated. **CARRIED. (Next item considered is #19 per motion.)**
18. **DISCUSSION /DECISION REGARDING DIRECTION TO STAFF ON THE GRANT APPROVAL FROM CONGRESSWOMAN GABRIELLE GIFFORDS’ OFFICE FOR A SENIOR CENTER** Tab 13
 It was moved and seconded for staff to continue researching to come up with a Senior Center for Willcox. **CARRIED.**
19. **DISCUSSION/DECISION REGARDING THE REQUEST TO WAIVE FEES AT THE COMMUNITY CENTER LOUNGE FOR NCCH STRATEGIC PLANNING MEETING ON APRIL 10, 2009** Tab 14
 It was moved and seconded to approve the request to waive fees at the Community Center Lounge for NCH Strategic Planning Meeting on April 10, 2009. **CARRIED 6-0-1 Declared Conflict of Interest-Councilman Donahue. (Return to #9 per motion.)**
20. **REPORTS BY THE CITY MANAGER PAT McCOURT** Tab 15
 Consideration, discussion and/or decision regarding the following topics by the City Manager: MC numerous reports and start with Public Services & Works Director Mr. Dave Bonner.
- **Update on the Tennis Court Lighting** – Mr. Bonner reported he has received 3-proposals for equipment to light the tennis courts. Information has been presented to the City Manager and has to talk to SSVEC next and need control equipment determined as well. Mr. Bonner to have it within the next month or two.
 - **Report on the Golf Course Roof Bid**- Mr. Bonner received quotes from three contractors. MKW's bid was for \$18,500; the other two bids were over \$20,000. The bid includes removal of existing roof, installation of the new

truss system and a 15' lean-to extension of the trusses on the southeast side. Contractor to start in 2-3 weeks and take 3-4 weeks to complete. City Manager McCourt will execute the contract.

- **Update on the Soccer Field-** Mr. Bonner stated the City's obligations as far as excavation and trenching have been completed. Purchase of meter request done and once received then ready. The School has not begun installation but did receive them last week. Staff has used the new loader very extensively.
- **Update on the Skate Park-** Mr. Bonner has a meeting scheduled with contractors and letter sent to 30 for input. They looked at existing plans and determine on right track, is it doable and meeting is set for April 15 at 2:00 p.m. at Public Works office.
- **Update on the Asbestos Removal at 151 W. Maley-** Mr. Jeff Stoddard, Building Inspector, couple received three bids; the low bid of \$9,722 was accepted. This is a necessary step in the demolition process.
- **Update on the Library-** Mr. Tom Miner, Library Director, reported that the Library renovation process is moving ahead and the architect plans to make a presentation to the Council on April 20th. The Library received the 3M Self Checkout machine funded by the LSTA Grant and Mr. Miner has asked the architect to incorporate the equipment's final fixed location into the plans. The Library recently completed a Customer Satisfaction Survey and provided the Mayor and Council with the results. Overall the Library is very pleased with the results. Mr. Miner recognized Library Supervisor Sylvia Stewart for her accomplishment in completing the requirements necessary to become a Certified Library Practitioner. **APPLAUSE.**
- **Mayor/Manager Luncheon-** SEAGO hosting on Wednesday, April 22, 2009 in Douglas, AZ. RSVP to City Clerk Whelan with luncheon selection.
- **Parks & Recreation Committee-** Several members have resigned. The City has advertised the vacancies for the past five weeks and had no response. The Mayor and Council are asked for assistance in finding people to serve.
- **Reserving City facilities-** Some believe that when they inquire about the availability of City facilities a reservation has been made. That is not the case. A firm reservation and a deposit are required to reserve the facility. The City Manager sent an e-mail notice to staff with copies to Mayor and Council.
- **Seconded memo this evening-** City Manager McCourt stated that after hearing the discussion on agenda #17 use of arena he thinks he misunderstood the question. It appears that the real question is how often major facilities being used, how often fees are waived and how often collecting fees. He will do additional work on that.

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

Councilman Klump reported he recently returned from a two week trip to South Africa.

Councilman Norris thanked staff for work and Ms. Stewart for her good work.

Vice Mayor also thanked Ms. Stewart and staff. Marshall Bo's Open House was successful and he invited all to attend next week end.

Mayor Lindsey reported the SEAGO meeting was held in Willcox on Saturday, and Mr. Bonner attended the meeting with him. Project scheduled in Willcox was for chip seal on Ft. Grant Road at an estimated cost of \$23,000. Willcox was number two in the approval list from SEAGO to be funded by stimulus program. The cost ballooned to \$121,000 after consideration of the federal requirements including environmental impacts. The reasonable solution is to remove the Willcox project from that list. It was transferred to the top of the TIP Program to fund us from different fund without all the requirements and it will be a win-win situation.

22. ADJOURN-8:34 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.