

**THE MINUTES OF THE REGULAR MAYOR AND CITY COUNCIL  
MEETING OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 6<sup>TH</sup> DAY OF APRIL, 2009**

**CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, April 06, 2009 at 7:00 p.m.

**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

**PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.

**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 leases 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.

**DECLARATION OF CONFLICT OF INTEREST**

Councilman Donahue declared conflict item #19.

**ADOPTION OF THE AGENDA**

**MOTION:** Councilman Johnson moved to adopt the agenda as presented move #13, 16, 17 and 19 after item #8 on the agenda.

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

**PETITIONS, PUBLIC HEARINGS AND COMMUNICATIONS**

**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:** (1) First reading of 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; and

(2) Second 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 Hearing:** The Mayor and Council will hold two (2) public hearings on Monday, April 6, 2009 at 7:00 p.m. (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. He asked if there was any comment from the public concerning the changes proposed. He asked if there was any comment from Council members. Hearing none he closed the public hearing regarding Ordinance NS292 at 7:16 p.m.

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(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 explained once adopted the Plan does not need to be updated for another 10 years. Specific information does not relate to future and did not have guidance and has been moved to an appendix section and update as needed without amending the entire Plan. Objective and goals reduced and more attainable and allows Mayor and Council through policy or staff plans, actions to take and move them forward. Expands the City's Plan Area before only existing limits and have new annexations. Potential conflict with County and establish Planning area puts Cochise County on notice. Annexation is property owner driven. Looking at what is going to impact the City. They looked at broadening areas, zoning ordinances, area downtown as Mixed Use rather than specific areas residential or specific commercial. He understands that we should look to expand that Mixed Use to Haskell and Arizona. The Plan allows more flexibility and lot development and meaning to the Old Historic Downtown area. Proposed corridor is a frontage road from Rex Allen Drive south to interchange passed Airport Road looking how that might develop in the future. 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 regarding the General Plan 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 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.

**DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES OF MARCH 16, 2009**

**MOTION:** Councilman Johnson moved to adopt the regular meeting minutes of March 16, 2009, as presented.

**SECONDED:** Councilman Donahue seconded the motion. **CARRIED. (move to #13 by motion.)**

**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.**

**MOTION:** Councilman Johnson moved 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.

**SECONDED:** Vice Mayor Schultz seconded the motion. **DISCUSSION:** City Attorney Figueroa explained presented several weeks ago for review and will need to step up the process. Most important part of all of these Titles has been the (1) Fees schedules and fine schedules. They are needed in order for Code Enforcement to cite people and the Judge Ward has to know what the fines are. Also resolution is to make this a public record. Mr. Jeff Stoddard, Rochelle Reno (Code Enforcement) and City Manager McCourt participated in the in-service training. (2) Appellate Procedure. Code Enforcer cites and due process is very important and included in each Title. He appreciates staff efforts because it is a long term process. **CARRIED.**

**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]"**

**MOTION:** Councilman Johnson moved to adopt Resolution No. 2009-18, as stated, relating to declaring as a public record Title 5, Chapter 1, 2 and 3.

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

**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.**

**MOTION:** Councilman Johnson moved to adopt Resolution NO. 2009-19, as stated, relating to the Fine/Fee Schedules.

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**SECONDED:** Councilwoman Cronberg seconded the motion. **DISCUSSION:** Councilman Norris' concern is on Petty Offense minimum fine of \$300; he thought the Council had discussed making it zero. City Attorney Figueroa explained that the fine schedules in different titles have different amounts. This one involves nuisances, abatements and others and should not be petty offenses. By statute they are Misdemeanors Class 1, 2 and 3, and we do not have leeway. Those involving health and safety require more penalties. This fine is assessed only if they refuse to take corrective action within a reasonable time. If the citizen fails to correct then cite as misdemeanors. Mr. Stoddard added that before they do citation they talk to them and give them time to correct the action. **CARRIED.**

**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.**

**1. MOTION:** Councilman Johnson moved to adopt Resolution No. 2009-20, as stated, relating to the updated General Plan for the City.

**SECONDED:** Councilwoman Cronberg seconded the motion. **DISCUSSION:** Councilman Klump stated since we are not in a huge hurry to adopt this Resolution and because he has been out of the country for two weeks, he is requesting more time to review.

**2. AMENDED MOTION:** Councilman Klump moved to table this item.

**AMENDMENT SECONDED:** Councilman Norris seconded the motion. **VOTE: Ayes-** Vice Mayor Schultz, Councilmen Norris and Klump. **Nays-** Mayor Lindsey, Council members Johnson, Cronberg and Donahue. **DIED.**

City Manager McCourt stated a small amendment has been suggested at the end of South Railroad and Haskell Avenue and that needs to be included in the motion.

**3. AMENDED MOTION:** Councilman Johnson moved to included Mixed Use on the east side of South Haskell and Railroad Avenue.

**SECONDED AMENDMENT:** Councilman Norris seconded the amendment. **DISCUSSION:** City Attorney Figueroa explained the Mayor and Council already have a vote of 3-4 on the table and Mr. Harmer explained during the Public Hearing that we needed to have 5-Ayes to adopt.

**POINT OF ORDER:** Mayor Lindsey asked Counsel if he can motion again to table and City Attorney said they needed to deal on amendment and go in order of motion. **AMENDMENT CARRIED.**

**POINT OF ORDER:** City Manager McCourt suggested the Mayor and Council consider tabling it because the public has not had opportunity to comment on the amendment. The City Manager thinks that would be the safest course. Mr. Harmer asked the Mayor permission to respond and apologized that he will be unable to attend the meeting on April 20<sup>th</sup> and he will be available by phone or e-mail between now and then for the Mayor and Council to ask questions or express concerns, and he will respond to staff to get information assimilated to Mayor and Council and the public.

**4. AMENDED MOTION:** Councilman Johnson moved to table this item.

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

**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 THE THIS RESOLUTION, THE SERVICE CONTRACT AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Councilman Johnson moved to adopt Resolution No. 2009-21, as stated, relating to the Service Contract between the City and WASA.

**SECONDED:** Vice Mayor Schultz seconded the motion. **DISCUSSION:** Ms. Sally White thanked the Mayor and Council for their support. It's a vital part of WASA's success. **CARRIED. (Next item to consider is #16 TA Assistance per motion.)**

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**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**

**MOTION:** Councilman Johnson moved to adopt Resolution No. 2009-22, as stated, relating to approving and ratifying the grant submission.

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Johnson asked if this is going to create another position at the Library. City Manager McCourt replied there is some funding for personnel with subsidy. There are some donated funds but we are not creating new position although we are adding additional time to the part time person that is there now. Councilman Johnson asked what the time frame is because he hates to start the program and then end it due to lack of funds. The City Manager replied we are not anticipating additional grant funding. Mayor Lindsey questioned any matching funds and did notice the in-kind. City Manager McCourt explained In-kind donations, using current staff and no additional above and beyond. **CARRIED.**

**DISCUSSION OF THE AUDIT RESPONSE LETTER TO HINTON BURDICK REGARDING THE FISCAL YEAR 2008 ANNUAL AUDIT**

City Manager McCourt explained the original letter in the Council members' packet and includes the response from staff to each of those items. Some items have already been fixed and some we do not feel is economic to fix. Mayor Lindsey stated it appears to address all of the areas that we have Audit Exceptions from.

**DISCUSSION OF TECHNICAL ASSISTANCE GRANT THROUGH THE NATIONAL PARK SERVICE**

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 Technical Assistance Grant. Preliminary Design is available upon request.

Councilman Johnson asked if property is in the City. City Manager McCourt replied property is owned by the City and it is leased through August 31, 2011. Councilman Johnson asked when the project will start and when the first committee meeting will be held. Ms. Hadfield replied that they are planning a community meeting in May. Councilman Johnson asked about the cost and Ms. Hadfield replied that at this time we are committing staff time. She will be looking for grants as the planning moves forward. Councilman Johnson asked about the status of the wells; the City Manager replied the well is City well and staff is making sure we have updated State records. Mayor Lindsey asked if well has capacity to replenish the ponds because he heard it will take six months to fill them. Mr. McCourt referred the question to Mr. Bonner, who said that he has made some calculations using information from the 1980's and believes the fill would be lengthy process. Ms. Hadfield thanked the Mayor and Council for their time. **((Next item considered is #17 Arizona Jr. Rodeo per motion.))**

**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**

Mr. Mike Bell addressed the Mayor and Council and said they have done this for a few years. Times are hard, and it costs about \$7,000 to hold the Rodeo. The cost is covered by contributions from the public and he would like to get the fees waived. They do not need the water truck but will need water.

**MOTION:** Councilman Johnson moved to approve the Arizona Junior Rodeo Association request to waive the arena fees for their Annual Willcox Rodeo on April 25-26, 2009 and items as stated.

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** Mayor Lindsey said he has been asked what groups have had use of our facilities and had the fees waived. Mr. Bell stated the rodeo is for kids to keep them on a straight path. They estimate that it generates about \$55,000 over the weekend. The participants usually arrive on Friday and pull out on Sunday. **CARRIED. (Next item considered per motion is NCCH waive fees.)**

**DISCUSSION /DECISION REGARDING DIRECTION TO STAFF ON THE GRANT APPROVAL FROM CONGRESSWOMAN GABRIELLE GIFFORDS' OFFICE FOR A SENIOR CENTER**

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City Manager McCourt reported that a federal grant application to construct a Senior Center in the City of Willcox was filed in 2008. He has received word from Congresswoman Gabrielle Giffords that \$95,000 has been awarded to the project with a required cash match of 20%, or \$23,750. Staff is hard pressed to determine how much building we can build with this and satisfy community needs. One suggestion involves adding a dedicated addition to the Library building where they are already running senior activities. That would involve tearing down the old Public Safety building and incorporating that space into parking. The Council may wish to consider closing Curtis off at that point so that we could develop a courtyard to benefit the entire downtown area. A meeting scheduled with the SHRP organization in Sierra Vista this week to talk about acquiring additional funds or grants. Question at this time to the Mayor and Council is can staff proceed with funds from HUD to start planning into next year's budget because we need to plan matching portion. Mayor Lindsey stated we need to explore all options, including asking the Border Patrol to donate its old building to the City. Councilman Johnson asked if there is a possibility of entering into a grant partnership with others, such as the hospital and Hospice. City Manager McCourt replied he has not seen the documents but did see the application and does not believe there would be limitations on partnership(s).

**MOTION:** Councilman Johnson moved for staff to continue researching to come up with a Senior Center for Willcox.

**SECONDED:** Vice Mayor Schultz seconded the motion. **DISCUSSION:** Vice Mayor asked if deadline on grant and the City Manager responded we have not received forms and he is sure there will be a deadline. He asked if motion includes "to budget" appropriately and Councilman Johnson replied "absolutely;" we had \$40,000 budgeted for a match in FY09. City Manager McCourt hopes the grant award does not require the 6,000 square foot building we described because our match would have to be much larger to accomplish that. **CARRIED.**

**DISCUSSION/DECISION REGARDING THE REQUEST TO WAIVE FEES AT THE COMMUNITY CENTER LOUNGE FOR NCCH STRATEGIC PLANNING MEETING ON APRIL 10, 2009**

**MOTION:** Councilman Johnson moved to approve the request to waive fees at the Community Center Lounge for NCCH Strategic Planning Meeting on April 10, 2009.

**SECONDED:** Councilwoman Cronberg seconded the motion. **CARRIED 6-0-1** Councilman Donahue **Abstained.** (Return to #9 Ordinance NS292)

**REPORTS BY THE CITY MANAGER PAT McCOURT**

Consideration, discussion and/or decision regarding the following topics by the City Manager: There are numerous reports and start with Public Services & Works Director Dave Bonner.

- **Update on the Tennis Court Lighting** – Mr. Bonner reported he has received three 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. 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 contractors for input on the existing plans to determine if on right track and doable. A 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, received three bids and 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.

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- **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 facilities. 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.

**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 events next weekend.

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 \$101,000 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.

**ADJOURN**

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:34 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 6<sup>th</sup> day of April, 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

**Dated this 13<sup>th</sup> day of April, 2009**

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

**PASSED, APPROVED AND ADOPTED** this 20<sup>th</sup> day of APRIL 2009.

/S/ GERALD W. LINDSEY  
MAYOR GERALD W. LINDSEY  
Signed: April 21, 2009

ATTEST:

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