

CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA-Statement of Legal Actions
Monday, April 20, 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. 2009-25
Ordinance NS295

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, April 20, 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. James Lee, President of Madison Diversified Properties, owns 1,240 acres on Airport Road. Met with Harley Smith, CEO, today at NCCH about housing needs for his employees and community. Mr. Lee has owned this property for about 4-years and talked with Chris Donahue and talk about this property. The property is zoned for 4-acre plots and intention is to put manufactured or pre-fab homes in and the homes range approximately from 1,500 and 2,000 sq. ft. Looking at a price range from \$125,000 and \$150,000 and it could be more if bigger housing. Study he has shows this is affordable for 28 homes on 4-acres. Stated that people will travel for good land and hopes to start that in 4-5 months and hopes it is acceptable in the community. Plans are to start slowly and grow with community and if they want more housing he is able to do. The property is about 3-miles from I-10 on the right hand side. Mr. Lee thanked the Mayor and Council for their time.
5. **DECLARATION ON CONFLICT OF INTEREST**-Councilwoman Cronberg declared a conflict of interest on agenda #11 relating to the request from the Willcox Elementary School for a waiver for the use of the Community Center. There was no further response from the other members of the Council or staff.

ADOPTION OF THE AGENDA-It was moved and seconded to adopt the agenda as presented. **CARRIED.**

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

Tab 1

Proclamation: The Mayor read and proclaimed April 19-25, 2009 as **Volunteer Week**” Accepting the proclamation is the Library Volunteer Coordinator Sylvia Stewart. **APPLAUSE.** The Mayor reminded everyone to help volunteer to help Clean Up the City on Saturday, April 25, 2009.

Communications: Mayor Lindsey read: (1) Second reading of Ordinance NS294 Amending Title 1, Chapter 7, **Tab 2** 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

Public Hearing: The Mayor announced that the Mayor and Council will hold a public hearing on Monday, April 20, **Tab 3** 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.

Mayor Lindsey opened the public hearing at 7:10 p.m. on Ordinance NS294. He asked if there were any comments from the public and Council members. The following comments were made:

- Councilman Klump believes that the City Manager should follow the same residency rules as Council members to better understand what the citizens feel.
- Paul Sheets asked "what does all this mean?" Mayor explained City Ordinance states City Manager must reside within the City limits during his tenure. Current City Manager has possibility to purchase a home ¼ mile from City limits on Circle I Road. Municipal Code permits the City Council to decide whether to allow the City Manager to live outside the City limits.
- City Manager McCourt states decision should be based not on current City Manager but also those in the future.
- Jeff Stoddard said the rule should be like police response, within 5-10 minutes from City.
- Clarification by City Attorney Hector Figueroa. Proposal is to add wording to the City Code saying, 'and the Mayor and Council shall have the authority to approve for the city manager to reside outside the city limits.' Once Ordinance passed the Mayor and Council do not have to approve the request in every instance; they have the option to say yes or no. Allows the Mayor and Council to deal with it situation-by-situation and the Council is not automatically allowing them to live outside the City.
- Chuck Broeder noted that in the past the Council made a temporary allowance for a particular manager to live outside the city limits.
- Councilwoman Cronberg said Council members are elected to this position and the City Manager is not; he is appointed by the Mayor and Council. When a manager is moving here and if there is a lack of appropriate housing this would allow the City Manager to live outside the City limits.
- Councilman Norris said someone living outside the City would be a strong advocate for annexation.
- Mr. Sheets said as a community we need to protect ourselves from a commuting situation stating we do not need them living in Tucson or Flagstaff because they are not going to know the heartbeat or the ups and down of the community. Those that are in town know what is going on in the City even though they cannot vote in the City.

Mayor Lindsey asked if there were any other comments and hearing none he closed the public hearing at 7:16 p.m.

**8. DISCUSSION/DECISION REGARDING THE WORK SESSION AND THE REGULAR MEETING MINUTES OF Tab 3
APRIL 6, 2009**

It was moved and seconded to approve the minutes of the work session and the regular meeting minutes of April 6, 2009.
CARRIED.

9. PRESENTATION BY DR. ROBERT CARREIRA ON THE ASSET INVENTORY FOR WILLCOX

Dr. Robert Carreira, Cochise College, presented power point presentation on the project he has been working on for past several months. Ms. Gussie Motter, Cochise County, approached him about this project and has worked with her department to obtain information, and he has also worked with Kathy Smith from the Willcox Chamber of Commerce and Agriculture. Information is in regards to Geographic and template comes from Arizona Department of Commerce. Identified information for new businesses who are looking to due business in Cochise County. Since developed this feedback has been used by grant writers and a lot of information needed they have been able to find it here. More information can be found at www.cochise.edu/cer home page and links in Cochise County and other unincorporated areas. Click on CER page to specific information for that community. Dr. Carreira is trying to make it a one stop shopping.

Ms. Kathy Smith added this is going to be a huge help for the Chamber of Commerce because now only has to pull up Asset Inventory for Willcox cut and paste and send it off after adding a few more things and no longer has to go out and

research. Work with Dr. Carreira so that he keeps updating everything on the web. Dr. Carreira stated if you can not find something please contact him. Mayor Lindsey thanked him for presentation.

10. UPDATE BY WILLCOX CHAMBER OF COMMERCE & AGRICULTURE EXECUTIVE DIRECTOR KATHY SMITH ON THE RACK CARDS

Ms. Kathy Smith reported that the Mayor asked her to do several updates a year and this is perfect time because the Chamber just finished their new Rack Card. Councilman Klump stated he did not get one and the City Clerk replied it is the inside pocket of his notebook. Ms. Smith stated this is what they do with the City's Bed Tax money although they have to use Arizona logo because some funding from State of Arizona. This year did not apply for very much because they were not sure how much monies were needed for Marketing. The "pink book" they still have some and they have received a lot of feedback and tremendous amount of tour operators and buses are arriving at the Chamber and come downtown too. Rack Cards are cheaper and can send out anywhere they are asked for. Recently they are getting a lot of Green Valley residents coming here for day trips. Ms. Smith hopes to see a good return on the Rack Cards. The Walking Tour brochure was re-done and also it has been a huge success. It is a self-guided Walking Tour and she and Delcie Schultz walked it and some sites they could not find and took them out. The old jail was found and hopes to get a plaque on it.

Ms. Smith is here tonight to talk a little about Tourism. Numbers have been received for past year and the top 5-states requesting information is from Arizona, California, Texas, New York and Illinois. They are starting to see a lot of tourist from Japan they love the Western Heritage and also seeing more European visitors. There were 18,328 mailed Land of Legends from Arizona Department of Tourism and are put in Visitor Centers in Cochise County. Advertising equivalency January '08-September '08 total dollars spent in marketing was \$610.92 and PR person is LuAnne Madison. Willcox received through Ms. Madison's efforts \$67,048 in advertising. Money spent to support Cochise County Tourism. This is dollars they get back and does not include billboards in Lordsburg and San Simon. Willcox received \$71,364 in total advertising and for example if mentioned in Tombstone and Willcox same time is having an event it was included in the County press release and if mentioned we get dollar coverage. Our coverage is over \$67,000 and County \$71,000. Last year there were over 24,000 visitors and this year from January –March there have been 10,571 visitors and visitors is way up. Bed Tax is down but finding getting day trippers from Tucson to visit the Chiricahua National Monument, our Museums, and downtown. Day visitors are coming from Phoenix, and Green Valley, Deming, Lordsburg, and Douglas People are still spending dollars in Willcox. Ms. Smith thanked the Mayor and Council.

11. DISCUSSION/DECISION REGARDING REQUEST FOR THE FEE WAIVER OF THE COMMUNITY CENTER Tab 4 FOR THE WILLCOX ELEMENTARY SCIENCE FAIR ON THURSDAY, APRIL 30, 2009

It was moved and seconded to approve the request for fee waiver of the Community Center for the Willcox Elementary Science Fair on Thursday, April 30, 2009. **CARRIED 6-0-1 Declared Conflict:** Councilwoman Cronberg.

12. DISCUSSION/DECISION REGARDING THE SPECIAL EVENT LICENSE APPLICATION FOR WILLCOXONE Tab 5 ENTERTAINMENT AT QUAIL DRIVE SPORTS PARK ON MAY 16-17, 2009

It was moved and seconded to approve the Willcoxone Entertainment Special Event License Application contingency with proper application filled out, proper tax number submitted, police protection is meet to satisfaction of the City, including correction to the time, and if this is done approval by the City Manager and City Attorney. **CARRIED.**

13. DISCUSSION/DECISION REGARDING 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.

It was moved and seconded to approve Ordinance NS294, as stated, relating to City Manager residing outside the City Limits. **CARRIED 6-1** Nay: Councilman Klump.

14. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-20 ADOPTING A NEW GENERAL PLAN Tab 6 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. (Item was tabled on 04-06-2009)

It was moved and seconded to approve Resolution NO. 2009-20, as stated, relating to the new General Plan for the City. (Item was tabled on 04-06-2009)

It was moved and seconded to amend the motion to include In-fill Incentive Districts. **AMENDMENT CARRIED. ORIGINAL MOTION CARRIED.**

15. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-23 APPROVING AND ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM [“ITPP”] PLAN TO COMPLY WITH THE FEDERAL TRADE COMMISSION (FTC) REGULATIONS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST. Tab 7

It was moved and seconded to adopt Resolution No. 2009-23, as stated, regarding the ITPP Plan to comply with FTC regulations. **CARRIED.**

16. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-24 AUTHORIZING THE CONDUCT OF A PUBLIC AUCTION TO DISPOSE OF CITY SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO SECURE THE SERVICES OF TINGLE AUCTIONEERING TO CONDUCT THE AUCTION ON SATURDAY, MAY 23, 2009 BEGINNING AT 9:00 A.M. AT 380 N. RAILROAD AVENUE, WILLCOX, ARIZONA Tab 8

It was moved and seconded to adopt Resolution No. 2009-24 regarding the conduct of a Public Auction and securing services of Tingle Auctioneering on Saturday, May 23, 2009. **CARRIED.**

17. DISCUSSION REGARDING POLICY ON CITY MEETING ROOMS Tab 9

City Manager McCourt stated there are advantages and disadvantages to being new and asking questions. He has found that the City does not have written policies, and, therefore, has taken the liberty drafting up suggestions on 3-particular areas on City owned property.

The Mayor directed City staff to continue to put these policies together and come back in format for approval. Mr. McCourt plan is to bring them back for the next meeting.

18. DISCUSSION REGARDING POLICY ON CITY OPEN RECREATIONAL SPACE Tab 10

Mr. McCourt explained this draft policy on Open Recreational Space and space available to general public i.e. baseball, soccer, basketball, Ramada's that are available to the public. Some like to reserve during specific times of the year i.e. baseball practice has been to "reserve" and no charge. Only charge when above what general public would be receiving. If teams want the lines chalked we provide the material and if they want us to do it then there will be a charge. So long as using them same basis as general public no charge only when some level of service above general public for those areas.

19. DISCUSSION REGARDING POLICY ON FACILITIES USE AGREEMENT Tab 11

The City Manager explained this policy deals with facilities not open for general public like Community Center or the pool. The rodeo grounds typically restricted access to these facilities. When people want to reserve them there is lead time to line-up activities, events and need to make reservations early in the year and lock in dates you want. Another for example is there a Special Event Liquor License needed which they have to do way up front. Policy has been suggested time to reserve, how you know it has been reserved to avoid confusion, and if you want it to be yours have to pay and lock it. Mr. McCourt has listed some ways to accomplish that and will resolve some of the consistency.

City Manager McCourt asked for the Mayor and Council to review these proposed policies and suggested they give him a call or stop by and visit with him or send email and also this invitation goes to general public too.

20. REPORTS BY THE CITY MANAGER PAT MCCOURT

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

- **Report on Streets Project**—Dave Bonner handed out a street project summary to the Mayor and Council. He reported the Chip Seal coming up next month or two. Department is working on preparation on Wood Street from Haskell to Austin. Already done prep work on base leveling for the drainage to work much better. Fremont from Haskell to Railroad. Jessie Street Haskell to Railroad Avenue small strip its pretty simple not much drainage problems. Prep on this year's budget of Stewart Street from Austin to Haskell very heavy traveled and lots of patches and wants to do chip seal before end of this budget season. Also working on dedication of Pattie Road. Portions of it along Nordus Addition zoned for Manufactured Homes of about 30' ft has been dedicated. Need survey of section line and decide how much dedication is needed and will come to Mayor and Council once he get signatures. That road is 1.4 miles long and lacking some of the materials to hold it together because it is made up of mostly sand. In June working on alley maintenance starting in Casas Lindas/Ironwood this year to get those alley's in shape. If funds will allow based on STP Funds from SEAGO would like to do Chip Seal on Ft. Grant Road. Federal funding would cost more than locally. Next year focusing on downtown area streets between

Haskell and Railroad with drainage starting with Delos, jumping to Grant, McCourt, Wasson, Downen and Soto as well. Some of these roads are very narrow. Councilman Norris requested the proposed streets time frame to him when, and what streets going to do right now.

- **Update on the Skate Park-** Mr. Bonner met with several members of Skate Park Committee including Paul Sheets who is present tonight. Also invited 30 contractors and only 3 showed up. It was a good meeting and discussed his drawing, they "picked it apart" and they stated their dreams on what else to add. Guesstimate is \$20,000 for flat concrete without the fence. Funds from the Skate Park Committee, City matching and donation we have a little over \$18,000.
- **Report on Waivers at City Facilities-** Mr. Bonner stated he missed this queue and hopes to have that information at the next meeting.
- **Earth Day-** this Saturday the 25th the City is sponsor along with the Chamber of Commerce. The City has adopted 2-areas and will be working on those on Friday the 24th to get them cleaned up. He asked the Mayor and Council members if able to join please do and will meet at Railroad Park at 7:30 a.m.
- **Railroad Park Grant-**this has been on the shelf due to personnel changes. A meeting on that has been scheduled at 4:00 p.m. on Tuesday, April 28th. Invitations will be sent to those that participated in the past.
- **Wednesday, Mayor's/Manager's Meeting-** the Mayor and he plan to attend and if any other Council members want to attend immediately contact the City Clerk.

Councilman Norris asked Mr. Bonner if everything is in place and if we wanted to do it (Chip Seal) tomorrow and not having to wait. Mr. Bonner replied we have to wait on distributor to bring us the material. Chips we can procure. Tomorrow staff will be doing chip seal on Grant Street and another on First Avenue. Our truck is too small and hired an oil truck to do it.

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

Mayor Lindsey appreciates thoughts received over past few days took forced vacation at NCCH.
Councilman Norris thanked staff for everything doing and appreciates it.

22. ADJOURN – 8:59 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.