

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THE 4th DAY OF MAY, 2009**

CALL TO ORDER-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, May 4, 2009 at 7:00 p.m.

ROLL CALL – The Mayor announced all council members are present except Vice Mayor Larry Shultz.

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Larry Schultz-ABSENT
Councilman Elwood A. Johnson
Councilman Jimmy Norris
Councilwoman Monika Cronberg
Councilman Stephen Klump
Councilman Christopher Donahue

ABSENT

Vice Mayor Larry Schultz

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-

Councilman Johnson read letter from Vice Mayor Schultz request to table 13, 14, &15 because he has been involved with these issues in the community and would like to be present when these items are discussed. There was no further response from the public present.

DECLARATION ON CONFLICT OF INTEREST-

City Attorney *Hector Figueroa recued himself from agenda item #7 regarding the *Rix's Tavern Liquor License. There was no response from the Mayor, Council members or staff. (*Per motion 05-18-2009 to correct "hector to Hector" and "Rib's to Rix's Tavern".)

ADOPTION OF THE AGENDA

MOTION: Councilwoman Cronberg moved to adopt the agenda as presented.

SECONDED: Councilman Johnson seconded the motion.

AMEND MOTION: Councilman Johnson moved to amend the motion to table agenda items #13, 14, and 15 relating to policies on City use of meeting room, open recreational space and facilities.

SECONDED AMENDMENT: Councilman Klump seconded the amendment. **AMENDED MOTION: CARRIED.**

ORIGINAL MOTION: CARRIED.

PETITIONS, PUBLIC HEARINGS AND COMMUNICATIONS

The Mayor read and proclaimed (1) May 2009 as **National Preservation Month!** He presented the proclamation to Ms. Kathy Klump of the Sulphur Springs Valley Historical Society. **APPLAUSE.** Ms. Klump invited everyone to the Historic Preservation Month activities on Saturday, May 16, 2009, Quilt Show at Methodist Church and Tractor Pull. They will honor ten citizens for the Wheels of Progress so that we have 100 recipients by the year the City celebrates its 100th Birthday. Honorees Eddie Browning, Greg LaFreniere and Dave Harris will be three (3) of the ten inducted to the Wheel of Progress and will be attending.

(2) May 3-9, 2009 proclaimed as **Municipal Clerks Week;** and presented proclamation to Cristina G. Whelan, City Clerk. **APPLAUSE.**

(3) Proclaimed May 10-16 as **Peace Officers Week** and May 15, 2009 as **Peace Officers Memorial Day** and presented the proclamation to Chief Jake Weaver and the Police Officers present Glenn Childers, Mel Hammons and David *Reno. Chief Weaver pointed out those that did show up have time to do so and others are coaching Little League and others have worked all night. The Chief extended gratitude to all his officers. Stating that people tend to forget that there are people that put their lives out when they put their star on and thanked their spouses and kids because they have a job to do. Thanked the officers' families when they have to go through tough times especially when they are gone for birthday parties, family gatherings, family meals, and anniversaries. **APPLAUSE!** Mayor stated we offer their appreciation also. (*per motion 05-18-2009 correct from Sterns to Reno.)

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THE 4th DAY OF MAY, 2009**

Public Hearing: The Mayor announced that the Mayor and Council will hold a public hearing on Monday, May 18, 2009 at 7:00 p.m. regarding Application for Liquor License, Interim Permit, Person Transfer, Limited Liability Co., Liquor License Series #06 Rix's Tavern, Mary Christine Humphers, 176 S. Haskell Avenue, Willcox, AZ 85643

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 APRIL 20, 2009

MOTION: Councilwoman Cronberg moved to approve the regular meeting minutes of April 20, 2009, as presented.

SECONDED: Councilman Johnson seconded the motion. **DISCUSSION:** City Manager McCourt stated he met with Vice Mayor Schultz and on page 2 regarding the public meeting comments concerning change of the Ordinance to allow the City Manager to live outside the City limits with Mayor and Council permission. He felt planning area comment he made should be included in the minutes. Councilwoman Cronberg asked if the Vice Mayor wanted to add that bullet. City Manager McCourt said the Vice Mayor felt that should be noted in the records. Councilwoman Cronberg said she remembers hearing that comment but does not remember who made that comment and has no problem with adding that.

AMENDED MOTION: Councilwoman Cronberg moved to amend the motion with addition of comments submitted by Vice Mayor Schultz.

AMENDMENT SECONDED: Councilman Johnson seconded the motion. **AMENDMENT: CARRIED.**

ORIGINAL MOTION: CARRIED.

PRESENTATION ON THE CATHOLIC COMMUNITY SERVICES SENIOR NUTRITION PROGRAM BY DIRECTOR MS. LEISA COTTEN

Ms. Leisa Cotton, CCS Senior Nutrition Program Director, thanked the Mayor and Council for having her here tonight. The Senior Nutrition Program is for seniors 60 and over. Last year raised enough money to keep it going. Very pleased to let the Mayor and Council know even with huge changes in our economy they raised enough again to continue up to June 30. Last year asked for financial support if the existing fundraisers were not enough to keep the program going. In 2007-2008 July 1-July 1 15,000 meals were delivered to residents in the Willcox area. The number dropped slightly this past year to 12,600 meals. They do not want to have waiting list or discontinue this program. Major fundraiser they had in Benson that benefited everyone in the County was Golf Tournament. The Golf Course has been in limbo whether or not it would stay open. Met with fundraising committee and need to do something and not wait for the last minute. The Mayor and Council should have received the Sponsor a Senior Application form for \$25/year and all going to food costs. This is what they are doing right now even though they have enough money through June. They do not know what type of funding CCS will have available to them after July 1. The information on Sponsor a Senior they are reaching out to all the northern part of the County, except for Bisbee area which was turned over to another provider. It will take all of us to keep this program going.

Ms. Cotton still does not have figures only that there will be cuts. Conservatively hopes to get enough money from SEAGO and striving for 1,000 sponsors to keep the meals going. Last year raised \$44,000 and told \$26,000 remaining from last July to this July. They raised that to secure themselves. With that information hope is to raise that again. They no longer have staff in Willcox or Benson and program runs on volunteers and only pays drivers for this area. Needs help from the City of Willcox and is not requesting a specific amount like in the past and asking to reach out to citizens and businesses as leaders that you are and strive for minimum of 300 people in the Willcox area to Sponsor a Senior Meal Program. Probably guessing that funding for the City is restricted although she has a huge amount of confidence in the American people and our citizens in our communities. Last year they were short \$10,000 of the \$30,000 and on the last day she made phone call to private individual that had said let me know if you do not met your goal. A private citizen came in and handed her a check for the \$10,000. Ms. Cotton has told financing that this year they have to keep her abreast of every single change, of every penny and now requesting if check goes to Tucson for Cochise County or from Sierra Vista or wherever she must know about that so that aware of what we need to do. She believes we can do it. The last 60 days have always been a question mark.

Mayor Lindsey asked how she intends to get the word out. Ms. Cotton explained 400 people were mailed the Sponsor a Senior flyer, contacted the local newspapers, and will be talking to radio station here and in Benson, and would like to reach out to all the churches in all the communities. She has been asked about Golf Tournament and has no idea what is going on and a little late to try to do one like they have done in the years past. It is going to be mostly word-of-mouth and will be going to some of the Civic Clubs and is writing a grant as well. She asked if the Mayor and Council have any suggestions to get these sheets out

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THE 4th DAY OF MAY, 2009**

or a pick up location to let her know. Also hopes to work with newspaper because she does not know what else to do to get it done any better. Mayor Lindsey said he is the SEAGO contact person. Ms. Cotton stated anything you can do to convince them to give CCS more money because they have been very good and fair to the Nutrition Program. This program has always been told to do Fund Raising in addition to the monies from SEAGO. Hopes Stimulus Money will be available for meals. Councilwoman Cronberg asked if anyone wanted extras of the Sponsor a Senior flyer could Ms. Cotten leave them. Ms. Cotten said she has 100 and wished there was place to leave them and Mayor Lindsey volunteered the Willcox Real Estate office. Ms. Cotten thanked the Mayor and Council to let her come and share information on this program. Councilwoman Cronberg to be sure specific fund raiser for Cochise County how should the check is made out to. Ms. Cotton said it identifies County and identifies for Senior Meals. Mayor Lindsey thanked her.

DISCUSSION/DECISION REGARDING STREET CLOSURE REQUEST BY THE REX ALLEN MUSEUM, INC. ON SATURDAY, MAY 30, 2009 FROM 6:00 A.M. TO 7:00 P.M. FOR THE WILLCOX ROD & CLASSIC CAR SHOW

Councilman Johnson asked is that Rex Allen Museum or Chamber of Commerce and Michelle Mullins replied "all of the above."

MOTION: Councilman Johnson moved to approve the request for street closure by the Rex Allen Museum, Inc., on Saturday, May 30, 2009, for the Willcox Rod & Classic Car Show.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Norris asked if staff has received information on the insurance. Public Services & Works Director Dave Bonner replied he has not seen it. Ms. Michelle Mullins explained that falls under the Chamber's. Mayor Lindsey stated with closure of Maley the request has to go through the State and Ms. Mullins said it has been turned in and waiting for them to respond. Mr. Bonner said he had telephone call this afternoon and was not able to respond and it was about this request. City Manager McCourt explained if for some reason it does not happen we could grant Railroad closure but could not approve closure of Maley. Ms. Mullins stated they are looking for expansion and hopes next couple years they will have 200 cars and this street closure. That protects the cars and more people are coming to Willcox and having a bigger event each year. **CARRIED.**

DISCUSSION/DECISION REGARDING PURCHASE EXTRICATION/VEHICLE RESCUE EQUIPMENT WITH ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY GRANT FUNDS AND PARTIAL WILLCOX DEPARTMENT OF PUBLIC SAFETY FIRE DEPARTMENT BUDGET FUNDS

Chief Weaver explained Willcox Department of Public Safety Fire Department submitted grant and stated the cost for each item. Resolution No. 2009-17 the approval to submit this grant was adopted on March 16, 2009. The City is receiving about \$12,000 in additional items needed from this vendor for free. The Chief explained why it was necessary to purchase from this vendor because of compatibility to our equipment we have and not having to purchase additional equipment at a much higher expense.

MOTION: Councilman Johnson moved to approve the purchase of the Extrication/Vehicle Rescue Equipment with AGOHS Grant Funds and partial funding from the WDPS Fire Department Budget Funds from LN Curtis & Sons.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** City Manager McCourt requested the Mayor and Council include that this purchase is through the Special Procurement Section L of the Purchasing Policy.

AMENDED MOTION: Councilman Johnson moved to amend the motion to include it is being done through the Special Procurement Section L of the Purchasing Policy.

AMENDMENT SECONDED: Councilman Donahue seconded the amendment. **AMENDMENT: CARRIED.**
ORIGINAL MOTION: CARRIED.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-25 APPROVING AND ADOPTING THE TWIN LAKES GOLF COURSE ROOFING CONTRACT BETWEEN THE CITY OF WILLCOX ["OWNER"] AND MKW CARPENTRY ["CONTRACTOR"], AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to approve Resolution NO. 2009-25, as stated, relating to the Twin Lakes Golf Course Roofing contract with MKW Carpentry.

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

DISCUSSION/DECISION REGARDING REQUEST FROM CITY MANAGER PAT MCCOURT TO THE MAYOR AND COUNCIL TO RESIDE OUTSIDE THE CITY LIMITS

MOTION: Councilman Johnson moved to approve the request from City Manager McCourt to the Mayor and Council to reside outside the City limits.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THE 4th DAY OF MAY, 2009**

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** Councilman Klump stated that the City Council, employees and City Manager should have to live by the same ordinances as the Mayor and Council. Although he feels the City Manager is doing a good job, he noted that “of the salaried employees present only one lives in the City limits.” Councilman Klump said we should be putting that money from salaries back into community instead of providing property tax dollars to the County. **Vote: Ayes-**Mayor Lindsey, Council members Johnson, Norris, Cronberg and Donahue. **Nay-**Councilman Klump.
CARRIED 5-1-1 Absent Vice Mayor Schultz.

REPORTS BY THE CITY MANAGER PAT McCourt

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

- **Report on Waivers at City Facilities-** Dave Bonner, Public Services & Works Director- the City Manager announced that Mr. Bonner has provided in a handout the waivers and fees for the Community Center and Quail Drive Sports Park. Councilman Johnson asked why the Willcox Art League higher fees than others. City Manager McCourt replied because of the number of days. Councilwoman Cronberg stated it seems like they waived all and Mr. Bonner replied except for the amount of money for the lights. Mayor Lindsey stated this report did not include any of the ball fields. Mr. Bonner explained these two have rental fees and ball fields only have light fees. Councilman Johnson stated most waived is for economic development of the community for quality of life enhancement i.e. WASA. Mayor Lindsey added will come in place after decision on items tabled tonight.
- **Report on Streets-** Dave Bonner- Mr. McCourt said staff wants to keep the Mayor and Council informed on the streets. Mr. Bonner reported preparation being done on Wood, Fremont and portion of Jessie on Railroad and Haskell and they will be chip sealed on Friday, May 8th. Staff is working before end of budget on Stewart Street from Austin to Haskell, too. Councilman Norris said of the \$1,261,000 only \$246,000 went to street repair all the rest for equipment, salaries and bonds and asked if that is right. Councilman Norris said it seems that the budget for streets is going for equipment and bonds. Mr. Bonner replied the bond payments cost \$330,000/year. One of the bonds will be paid off next year. Councilman Norris stated the 1% City sales tax money that was approved could not be used for any prior debt so money is going to that bond. Mr. Bonner said \$100,000 for prior debt and \$300,000 for current and Councilman Norris stated he wants him to look into that.
- **Report on Quarterly Financials-**Ruth Graham, Finance Director- Mr. McCourt stated Ms. Graham has prepared status report and had Councilman requested hearings on new budget. He asked if Mayor and Council are comfortable in scheduling meeting times. Ms. Graham presented power point. The Refuse last increase was in July 2005 and will be bringing request for rate increase at the next meeting. City Manager McCourt asked her if projections are on-line and she replied in the affirmative. Councilwoman Cronberg stated she appreciates this format because it is so much easier to follow. Mr. McCourt would like for the Mayor and Council to start thinking of some days for having meetings and discussions on budget preparations. His duty as City Manager is to present a balanced budget although it is the Mayor and Council's budget and they need to feel comfortable with it. During the latter part of May he plans to have additional meetings and asked the Mayor and Council to look at their calendars through June. Mr. McCourt anticipates there will be some adjustments to the budget. Anything not expended this year will be carried over for next year.
- **Report on 4th of July** –Chief Jake Weaver-This year he hopes the fireworks will be on the 4th of July, barring weather or acts of Mother Nature. The fireworks begin at the Willcox High School football field shortly after dark. They have purchased all fireworks and liability insurance at a cost of \$8,000 to put on this show. Some fireworks monies were used from Miscellaneous Expense and Community Programs from the Mayor and Council budget, Thank You! The Department is still accepting donations and has received \$1,600. They have not received donations from other businesses in town that usually donate. They are going from 4-6” and 8” and increase shots to 3,000. Donations can be made by contacting Patti Ackerson-Rodriguez or by calling 384-4673, Police Department. If any shots dedicated for family or in memory please talk to Ms. Ackerson-Rodriguez. This year fireworks the Fire Department is dedicating to both Bethels (Floyd and Donald) who passed away within the last few weeks and were past Volunteer Firefighters.
- **Report on Clean Up Day-** Pat McCourt, City Manager, thought it went very well and thanked the Arizona Range News for an excellent job and reporting on that. The Clean Up Day was done in partnership with the Willcox Chamber of Commerce & Agriculture. We filled large dumpsters; individuals and groups came out and our community is better for that. Another Clean Up Day is in September right before Rex Allen Days. Mayor Lindsey has discussed with Councilman Donahue about the area behind the hospital that did not get cleaned up. There is still trash over there and asked if Code Enforcement could check out that area for weed eradication. City Manager McCourt also announced the Free Trash Day is on June 6 and any individuals can take items to Transfer Station at no charge.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THE 4th DAY OF MAY, 2009**

- **Report on Cooling Unit at Depot-** The City Manager, reported the cooling unit or condenser that sits outside the Depot was fixed a couple years ago but early this spring it gurgled its last breath. Staff is securing quotes because it's an item we need for operations. Mr. Bonner received two quotes and has another coming. The cost range is \$19,000-\$25,000. Quality and efficiency are important and we may not want to go with just the least expensive.
- **Meeting May 14** - from 5:00-7:00 p.m. discussion of agenda with Council members. Anyone from the public is welcome to attend. Late this morning he received a request for an item for this agenda for a street closure on May 16th for Tractor Show. Explained under Open Meeting Law we could not accommodate that request and staff has asked for action item on May 14th. Councilman Klump asked if on a Saturday that area wasn't already closed and City Manager McCourt replied it is closed very briefly for shoot out. The City Manager also discussed very briefly with this gentleman about closing Railroad Avenue between Maley and Grant or in front of City Hall so that not to inconvenience the merchants there. He will consider that but would prefer between Stewart and Maley.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Norris stated appreciates Police Week that they do a great job and they are overlooked and not given enough credit for what they do to our community. Thanked Christy Whelan for great job and celebrate week of the City Clerk and stated it is one of the most unrecognized and most hard working positions in our community and "most communities would want to have you." City Clerk said "Thank You."

Mayor Lindsey also thanked Ms. Whelan. He recently attended the Willcox Citizen Lifetime Achievement Awards event given by the Governor's office. Mr. Don Meyers was given the award and the Mayor brought photos. Mr. Meyers has served long and faithfully as a volunteer through the Food Pantry and other endeavors and we owe him a debt of gratitude.

Councilman Johnson requested staff contact John Oberreuter and Dennis Williams to come back to the Mayor and Council because they changed information from one day to another on the Special Events License and they owe the Mayor and Council a straight forward explanation. Councilman Johnson wants to ask them direct questions, especially about the fact that one day the request was for a for-profit venture and the next day it is not. City Manager said he will ask them to be in attendance. Councilwoman Cronberg echoed sentiments of appreciation. To the Officers she said you do an outstanding job and we appreciate knowing it's great community for all of us to live in. She also thanked Christy Whelan for her hard work even when there is a lack of response, and that she keeps them out of trouble. It's done mostly with a smile and that is commendable. Councilman Donahue echo sentiments and Christy Whelan, Thank You for your service. He stated "Officers, tell your families we appreciate them as well."

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:44 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 4th day of May 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 13th day of May 2009

City Clerk Cristina G. Whelan, CMC

PASSED, APPROVED AND ADOPTED this _____ day of May 2009.

ATTEST:

MAYOR GERALD W. LINDSEY

City Clerk Cristina G. Whelan, CMC