

**CITY OF WILLCOX**  
**MAYOR AND CITY COUNCIL MEETING**  
**AGENDA-Statement of Legal Actions**  
**Monday, May 18, 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. 2009-30**  
**Ordinance NS295**

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, May 18, 2009 at 7:00 p.m. and invited all present this evening to come on a regular basis.

2. **ROLL CALL**-Mayor Lindsey 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  
Public Safety Director 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- CALL TO THE PUBLIC**-Joe Walker addressed the Mayor and Council because he had been asked to come here tonight. With a lot of reluctance he decided to come and say a few things. Over the last 3-4 years he has become frustrated with City employees in general, mostly doing regulatory work for the City at his home or in his business or "in my Park." There seems to be an atmosphere 'we are the City you will answer to us.' As a citizen very it's frustrating to a point that citizens do not want to say anything. There is individual(s) or overall attitude that 'well if he doesn't like that it too bad. We're the City we have the power.' At his home has had City employees go through his mail box and for the last 4-5 years Little League has wanted to improve Little League field and told that unless they go out and get Engineer, hire and pay for licensed contractor and still get hassled by the City as well. Unless they don't do that they have been told 'don't touch this or that' although it is ok if they are doing their jobs to take care of fields. Mr. Walker stated he doesn't know what their job is. It would be nice to water the fields the before grass dies. About 4-years ago they asked for grass as infill and it has not been done. In his wife's business issues were 1) they could not open; and 2) individual was on vacation and no on could do inspections and waiting were licensed contractors. Real frustration is with the City in general; has not been able to help or just get out of the way. Couple individuals started softball for girls and they beat their head against the wall with the City. These young ladies are 5-16 years and the City can not afford lights for them. He stated "maybe you can't, maybe City can't, but they can for Men's Softball League" and is not sure why the City can't take care of our kids. Overall attitude last year about this time or earlier '07 during the winter received letter to appear at a meeting that night and he came in and was told had to give \$1,000 to replace some drainage ditches or culverts in front of his house and driveway. Asked what was wrong with those that have been there for 20 years and told they were not big enough. And he was told City was paving the road and if you want culverts you have to pay for it. He does not live in the County and would know he would have to pay for it and drainage. Again he was told if you want it have to pay for it. Neighbors told him to throw a big fit and they will stop the paying or pay \$1,000 and get culvert in. He just shut his mouth and most people are afraid of retaliation and stated 'I will get over it.'" Mr. Walker wrote a letter after received letter that it was too small that it did not meet code. Wrote Mr. Lindsey the letter and never heard back. Does not know how much money was wasted although he knew threw about a dozen culverts because it was not done to

specifications. An Engineer can recognize when culverts are put in right. Another Engineer came in put in 20 culverts and had to replace half of them. The attitude your City employees demonstrated over the past year and they donated their time to put grass in Little League fields and put in mound. Then they were told they were not allowed to touch it 'it's our field.' Mr. Walker said we need to go to Nogales or Tucson and see what a real Little League field looks like. The City's fields are not standard nor are they for softball fields. What we have in Willcox is the whole park dedicated for Men's Softball and yet kids can not practice football when they have Softball Games because we have people come in and are staying at motels. He stated, "Sure those fields belongs to us" and he would not want to kick little kids out just to play. City employees need to recognize "they work for us and not the other way around." Understands the Mayor and Council can not discuss this. Mayor Lindsey suggested meet with City Manager McCourt and formalize complaints made and he can take it back to staff and see what can be done.

4. **DECLARATION ON CONFLICT OF INTEREST**-City Attorney Figueroa stated on agenda item #9 represented the former holder of the license and also the new applicant for license. There was no response from the Mayor and Council members or staff.
5. **ADOPTION OF THE AGENDA**-It was moved and seconded to consolidate agenda numbers 13, 14 & 15 (relating to Policies on Use of City Facilities) after agenda #8 Adoption of the minutes. **CARRIED.**  
It was moved and seconded to adopt the agenda as changed. **CARRIED.**

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

Tab 1

**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.

Mayor Lindsey opened the public hearing at 7:15 p.m. regarding the Application for Liquor License, as stated, and requested by Rix's Tavern, Mary Christine Humphers, 176 S. Haskell Avenue. The Mayor asked if anyone in the audience would like to address the Council. Hearing none he asked if there was any comment from the Council members. Hearing none the Mayor closed the public hearing on Rix's Tavern at 7:16 p.m.

8. **DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES OF MAY 4, 2009 AND THE SPECIAL MEETING ON MAY 11, 2009**

Tab 2

It was moved and seconded to approve the regular meeting minutes of May 4, 2009 and the special meeting on May 11, 2009. **DISCUSSION:** Mayor Lindsey under Declaration of Conflict of Interest to capitalize the City Attorney's first name and to change 'Rib's Tavern' to "Rix's Tavern" and under Proclamations correct name from 'David Sterns' to "Donavan Sterns." Chief Weaver clarified that it was Officer David Reno who was present not Officer Sterns. It was moved and seconded to amend the motion as corrected. **AMENDMENT: CARRIED.**  
**ORIGINAL MOTION: CARRIED.**

AT THIS TIME CONSIDER 13,14 & 15 AS ONE PER MOTION.

9. **DISCUSSION/DECISION REGARDING APPLICATION FOR LIQUOR LICENSE INTERIM PERMIT, PERSON TRANSFER, LIABILITY CO., LIQUOR LICENSE SERIES #06, RIX'S TAVERN, MARY CHRISTINE HUMPHERS, 176 S. HASKELL AVENUE, WILLCOX, AZ**

Tab 2

It was moved and seconded to approve the application for Liquor License, as stated, as requested by Rix's Tavern, Mary Christine Humphers. **CARRIED.**

10. **DISCUSSION/DECISION REGARDING THE APPLICATION FOR SPECIAL EVENT LICENSE REQUESTED BY REX ALLEN DAYS, INC., ON OCTOBER 3 - 4, 2009, AT QUAIL DRIVE SPORTS PARK FROM 1:00 P.M. - 6:00 P.M.**

Tab 3

It was moved and seconded to approve the Application for Special Event License requested by RAD's Inc., on October 3-4, 2009, at QDSP from 1:00 p.m. – 6:00 p.m. **CARRIED.**

11. **DISCUSSION/DECISION REGARDING THE APPOINTMENT TO THE PARK & RECREATION COMMITTEE** Tab 4  
It was moved and seconded to appoint Tammy Baumler to the P&R Committee. **CARRIED.**

12. **PRESENTATION ON HEALTH INSURANCE AND BENEFITS BY REPRESENTATIVES FROM CITY'S INSURANCE AGENCY, BENEFITS INTELLIGENCE, INC., HEALTH NET, AND BENEFITS ADMINISTRATOR** Tab 5  
Mr. Al Thunberg, Employee Solutions Group and consultant to the City's Health Care Plans presented a power point presentation and explained the different concepts to the City's Health Insurance Program for its employees. Presented several options for the City and explained each and cost to City and cost to employees. He thanked the Mayor and Council

Consider after #8 per motion.

13. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-26 APPROVING AND AUTHORIZING THE POLICY FOR USE OF CITY OWNED MEETING ROOMS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST** Tab 6  
It was moved and seconded to table these items until public hearing and work session with the people that work the fields. **VOTE: Ayes-** Vice Mayor Schultz, Council members Johnson, Norris, Klump and Donahue. **Nays-** Mayor Lindsey and Council woman Cronberg. **CARRIED: 5-2.**

~~14. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-27 APPROVING AND AUTHORIZING THE POLICY FOR USE OF CITY OPEN RECREATIONAL SPACE AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST~~ Tab 7  
~~MOTION: moved to Resolution NO. 2009-27, as stated policy for use of City Open Recreational Space.~~  
~~SECONDED: seconded the motion. DISCUSSION: CARRIED.~~

~~15. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-28 APPROVING AND AUTHORIZING THE POLICY FOR USE OF CITY OWNED FACILITIES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST~~ Tab 8  
~~MOTION: moved to Resolution NO. 2009-28, as stated policy for use of City Owned Facilities Use Agreement~~  
~~SECONDED: seconded the motion. DISCUSSION: CARRIED.~~

16. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-29 AUTHORIZING AND APPROVING THE AWARD OF CONTRACT TO HINTON BURDICK, PPLC ["HINTON BURDICK"] FOR AUDIT SERVICES FOR FY 2008-2009 ANNUAL AUDITED FINANCIAL STATEMENTS AND SINGLE AUDIT 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. 2009-29, as stated, relating to the Hinton/Burdick Audit Contract FOR FY 2008-2009. **CARRIED.**  
**Point of Order:** City Manager stated the Mayor and Council did not take action in #12 (relating to Health Insurance) and assumes letting staff to proceed. Councilman Johnson stated "can not discuss" and staff to bring it back at the next meeting.

17. **DISCUSSION/DECISION REGARDING ATTENDANCE AND PARTICIPATION AT THE LEAGUE OF ARIZONA CITIES & TOWNS ANNUAL CONFERENCE IN ORO VALLEY, SEPTEMBER 1-4, 2009** Tab 10  
It was moved and seconded to attend and participate at the LACT's Annual Conference in Oro Valley, September 1-4, 2009 and booth for the Festival without electricity. **CARRIED.**

18. **REPORTS BY THE CITY MANAGER PAT McCOURT** Tab 11  
Consideration, discussion and/or decision regarding the following topics by the City Manager and staff:

- **Report on Tennis Court Lights-** Dave Bonner, Public Services & Works Director- placed Purchase Order for about \$9,000 for lights and poles. Staff is working with SSVEC on boring holes to get electrical as well.
- **Report on Electric Hookup Irrigation System –**Dave Bonner, PS&W Director- City Manager stated part of school and sharing cost to bring power over and use the lights at the tennis courts.
- **Report on Depot Air Conditioner-** Dave Bonner, PS&W Director, found out today unit to be installed on Wednesday and operation by Friday for about \$19,000.
- **Report on Upcoming Library National Award-** Tom Miner, Library Director- City Manager stated the newspaper already had it out. Library Director thanked Ms. Broeder "for wonderful job." They are excited being named semi-

finalist on the Tag Magazine for teens. They had 420 nominations and made the top 50. **APPLAUSE.** Will have more information at the end of June and of the 50 they will select 15 or 33% chance of going to Washington, D.C. for the programmer and one teen also they could receive a \$10,000 check for Library Programs. The teens will get national publicity, trip to D.C. and award will be presented by the First Lady of the U.S. at the White House lawn. If don't win they will have a gilded edge certificate that we were semi finalist and kids should be proud of that. The Teen Program was started 4-years ago and very proud of the kids and their ideas to publish their own magazine, national, regional and state recognition. Program has been expanded to San Simon, Cochise, Bonita Schools and asking for articles. Kids show a lot of heart to do that and very proud. Mentioned partnership with the school they offered to form Pride Tag Media Club so that other kids in other activities can participate. Meetings are held after school and other kids have sport activities and wanted to draw on that talent and allow those kids to participate too. Teens learn responsibility, connect with adults, resolve conflict, manage time and budget.

- **Out-of-town-** City Manager starting tomorrow at noon will be out-of-town until next Tuesday. Requested leave at time of employment for granddaughters graduation.
- **Report on Senior Center-** City Manager has memo in Council member's boxes and first 2-meeting memos and now 3<sup>rd</sup> meeting held on that. It is not as glowing as after the 2<sup>nd</sup> meeting and more doses of reality came into play. Also staff has not received the Grant from HUD and left message and has not received response. Originally contacted end of March we were going to get that and he has verified our mailing address. Also contacted one agency which indicated would help us from the Foundation of Senior Living and left message and has not received message. Wants to see what level of participation they will be able to provide.
- **Next Budget Hearings-** City Manager suggested Wednesday, May 27, 2009 at 5:00 p.m.
- **Request Council members dates not available for budget meetings in June** -Pat McCourt, City Manager requested dates.

**19. COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.**

Councilman Donahue thanked staff for hard work and stated "don't get discouraged."

Councilwoman Cronberg echoed the comment and appreciates attitude.

Councilman Johnson stated "when going gets tough staff get going." Western Heritage Days successful there were lots of people at the Tractor Show and NCCH Gold was the largest. Not sure how rodeo turned out and can not comment.

Mayor Lindsey reported Historical Society successful meeting and added 10 to the Wheels of Progress. Thanked Finance Director for putting budget together, for stated for a change he can almost understand it. This process is much easier to follow than process he went through last year. Appreciates work that goes into that and stated they know all kinds of problems, some things that will come out will not be too popular and tough decision will need to made.

Vice Mayor Schultz stated that what happened here tonight the majority of these people he does hear from them. The volunteers are people that keep this City going and need to cooperate. What Joe (Walker) said had nothing to do with his part. He wanted them to participate on what goes on in policies we want to take care of in these meeting. The Vice Mayor said the staff does good job but need to listen to volunteers because there are concerns about that.

Councilman Norris thanked staff on cuts and wished the City Manager a good time on vacation and stated enjoy your family. Thanked Library Director for Library program.

Councilman Klump stated he is disappointed that 30 plus people left after the one agenda relating to policies and then the item was moved to table. He would have liked to hear what they had to say. Maybe the Council should have waited to table after they had had a chance to speak. Some that came tonight will talk to them and maybe not all will but decision was disappointing. Appreciates staff and budget work.

**20. ADJOURN 8:20 p.m.**

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**Misc. Tab: 12**

**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.