

**CITY OF WILCOX**  
**MAYOR AND CITY COUNCIL MEETING**  
**AGENDA-Statement of Legal Actions**  
**Monday, June 1, 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, June 01, 2009 at 7:00 p.m. and appreciates public coming out to participate in the process of government.
2. **ROLL CALL** – Mayor announced all council persons are present.

**PRESENT**

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

**STAFF**

City Manager Pat McCourt  
City Attorney Hector 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

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.
4. **CALL TO THE PUBLIC**- Mr. Dennis Williams addressed the Mayor and Council and said that at the last council meeting the Mayor and Council tabled some items on the use of City facilities. Mr. Williams doesn't care what kind of policy is put together so long as everybody gets the same treatment. Whether the request comes from a non-profit organization or for profit or civic group all should get the same treatment. Mr. Williams referred to Joe Walker's comment when he said 'uneven playing field at times.' He thanked Mayor and Council.
5. **DECLARATION ON CONFLICT OF INTEREST**-City Attorney Figueroa declared conflict on agenda items numbered 17-18 regarding Executive Session and he recused himself from that discussion. There was no further response from the public present.
6. **ADOPTION OF THE AGENDA**-It was moved and seconded to adopt the agenda as presented and to consider agenda items 12-13-14 (policies on City facilities) considered at the same time. **CARRIED.**
7. **DISCUSSION/DECISION REGARDING THE WORK SESSION MEETING MINUTES OF MAY 13, 2009** Tab 1  
It was moved and seconded to approve the work session meeting minutes of May 13, 2009 as presented. **CARRIED.**
8. **DISCUSSION/DECISION REGARDING REQUEST FROM PAUL SHEATS FOR PARTIAL CLOSURE OF ALLEY BETWEEN WASSON AND GRANT ON JUNE 13-14, 2009** Tab 2  
It was moved and seconded to approve the request from Paul Sheats for partial closure of alley between Wasson and Grant on June 13-14, 2009. **CARRIED.**
9. **DISCUSSION/DECISION REGARDING THE DIRECTION TO STAFF ON THE OFFERED BUILDING AT** Tab 3

**HUFFMAN PARK AND TO PROCEED WITH A PLAN AND THE NECESSARY DOCUMENTS TO PUT THE PLAN INTO ACTION**

It was moved and seconded to direct staff to continue gathering information on the offered building at Huffman Park and to proceed with a plan and the necessary documents to put the plan into action and present to the Mayor and Council for decision. **CARRIED.**

**10. DISCUSSION/DECISION REGARDING THE CITY OF WILLCOX HEALTH INSURANCE PLANS FOR ITS ELIGIBLE EMPLOYEES AND DIRECTION TO STAFF FOR THE FORMAL PRESENTATION TO MAYOR & COUNCIL** Tab 4

It was moved and seconded approve staff to go ahead with necessary Health Insurance Plans for final approval by the Mayor and Council. **CARRIED.**

**11. DISCUSSION/DECISION REGARDING EXTENDING THE CONSOLIDATED JUSTICE COURT CONTRACT FOR ONE (1) YEAR** Tab 5

It was moved and seconded extending the Consolidated Justice Court Contract for one (1) year. **CARRIED.**

**12. DISCUSSION/DIRECTION 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 (Tabled May 4 & 18, 2009)** Tab 6

Per motion next 3-items considered as one and after discussion by Mayor and Council and the public present Mayor Lindsey directed staff to put together draft we have from staff and get them out to the public and work to have public meetings to have starting point for discussion. Councilwoman Cronberg does not want the whole draft and thinks summary of 1-2 lines.

**13. DISCUSSION/DIRECTION 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 (Tabled May 4 & 18, 2009)** Tab 7

Considered as one item per motion.

**14. DISCUSSION/DIRECTION 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 (Tabled May 4 & 18, 2009)** Tab 8

Considered as one item per motion.

**15. REPORTS BY THE CITY MANAGER PAT McCOURT** Tab 9

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

- **Report on Auction** - Dave Bonner, Public Services & Works Director, very successful all items were sold this time. Net \$4,000 for the pump and ambulance was sold too. Total figures for the auction are not ready at this time and for the first time staff did not have to go back and clean up.
- **Report on Golf Course Roof** –Dave Bonner, PS&W Director, work has begun on that. Staff is working on the electricity with SSVEC to unhook it to the building. Also staff is working with SSVEC for a consolidated meter and underground wiring to the building. Demolish as far as the roof has begun and then frame the post for the roof beam construction.
- **Report on Depot Air Conditioner**- Dave Bonner, PS&W Director, did get a new system put in and it is functioning very well. City Hall was without a cooling unit for about a month. Thank You.
- **Report on Free Dump Day!** - City Manager McCourt reported everyone can take material to the County Transfer Station at no charge. This is a good opportunity to help Clean Up Willcox. Mr. Bonner added that Public Works is taking phone calls from those persons especially the elderly or incapacitated who are unable to take their items to the station. Staff will make that pick up on the following Monday which has been our typical process over the past few years.
- **Next Budget Hearings**- Pat McCourt, City Manager, stated not needed!
- **Mayor's/Manager's Meeting**- Pat McCourt, City Manager reported the host this month is the City of Douglas, on Thursday, June 18, 2009. Council members were asked to contact City Clerk Whelan who can attend and she will make the reservations.

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

Councilman Johnson stated "Wonderful Car Show!" Thanked the people who helped make this happen, especially Michelle Mullins and others.

Mayor Lindsey reported he missed entering the Car Show this year due to meeting in Clifton. He did get back to look at the old cars and stated it was a great show. Thanked staff and Council for the work that has been done so far on the budget. It is always a long and grinding process and looks like we are getting closer to finalization of the budget. Thank You.

Vice Mayor Schultz stated the Car Show is still getting applications from the Chamber and they do not have a final tally. Also thanked staff for time put in on the budget, good job.

Councilman Norris thanked staff and knows we are in tough deal and has no hard feelings. Stated we all have to work together and do the best we can. The Car Show was good.

Councilman Klump encouraged local organizations to participate in this work shop (policies on facilities). It is important for all the community to participate and get involved. Appreciates staff's work on the policies and Council is willing to work on this and gives the public opportunity for input.

**17. DISCUSSION/DECISION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO A.R.S. §38-431.03A(3) Tab 10 DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY; AND A.R.S. §38-431.03A(4) - DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION IN PENDING OR CONTEMPLATED LITIGATION.**

It was moved and seconded to enter into an Executive Session pursuant to ARS §38-431.03A(3), as stated relating to Legal Advice with the Attorney of the public body; and ARS §38-43103A(4), as stated relating to consultation with the Attorney of the public body to consider the public body's position in pending or contemplated litigation. **CARRIED.**

**Recess 7:57 P.M.**

**Reconvene 8:37 P.M.**

**18. DISCUSSION/DECISION REGARDING DIRECTION TO STAFF ON PENDING OR CONTEMPLATED LITIGATION**

Mayor Lindsey stated no further discussion or decision is needed to be made tonight.

**19. ADJOURN 8:38 p.m.**

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**Misc. Tab: 11**

**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.