

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THE 1ST DAY OF JUNE, 2009**

CALL TO ORDER-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, June 1, 2009 at 7:00 p.m., and appreciates the public coming out to participate in the process of government.

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

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey.

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.

DECLARATION ON CONFLICT OF INTEREST- City Attorney Figueroa declared conflict on agenda items no. 17 and 18 regarding Executive Session and recused from that discussion. There was no further response from the public present.

ADOPTION OF THE AGENDA

MOTION: Councilman Johnson moved to adopt the agenda as presented and to combine those agenda items no. 12, 13 and 14 (relating to policies on City facilities) to be considered at the same time.

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** Councilman Klump stated lots of people were here two weeks ago and were under the impression that a work session was to be held but there hasn't been one scheduled. Councilwoman Cronberg suggested addressing that at that time in the agenda. **CARRIED.**

DISCUSSION/DECISION REGARDING THE WORK SESSION MEETING MINUTES OF MAY 13, 2009

MOTION: Councilman Johnson moved to approve the work session meeting minutes of May 13, 2009 as presented.

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

DISCUSSION/DECISION REGARDING REQUEST FROM PAUL SHEATS FOR PARTIAL CLOSURE OF ALLEY BETWEEN WASSON AND GRANT ON JUNE 13-14, 2009

MOTION: Councilman Johnson moved to approve the request from Paul Sheats for partial closure of alley between Wasson and Grant on June 13-14, 2009.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Norris received concern from a lady who said the closing will impact her beauty shop parking, and he asked Mr. Sheats if that had been resolved. Mr. Sheats explained if needed they are willing to move up the alley to allow access to that business. It is a "family camp" that weekend and invited all kids and their families. In this area he is requesting to stop the traffic from 8:00 a.m. to 6:00 p.m. for cleanup. **CARRIED.**

DISCUSSION/DECISION REGARDING THE DIRECTION TO STAFF ON THE OFFERED BUILDING AT HUFFMAN PARK AND TO PROCEED WITH A PLAN AND THE NECESSARY DOCUMENTS TO PUT THE PLAN INTO ACTION

City Manager McCourt reported he previously gave a brief memo to the Mayor and Council on this request. Some discussion has been held with Mr. Robinson and there is opportunity to do development in Huffman Park. All agreed that they think it is going to grow in that area. Staff needs to know if the Mayor and Council are interested in staff pursuing this and obtaining more detailed plans and if not need to know and put efforts in other areas.

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Mr. Ed Robinson stated he is here to answer any questions. Councilman Johnson asked what size is the building and response was that has not been determined. It will be 1,200-1,500 sq. ft. Offices include a meeting area, and restrooms that would be open to the public during operating hours. Councilman Johnson asked if the City will maintain it and Mr. Robinson replied that is your decision if they will be giving the building to the City. Mayor Lindsey asked if there have been any written agreements and Mr. Robinson said they have all been verbal.

Mr. Robinson explained they have received \$810,000 from a Federal Loan and will be building houses in Willcox. Part of the funding is for first-time home buyers. After speaking with CEO's from the Hospital and School they are considering a homeowner's association within the Ironwood District and all would have part of shared responsibility.

Mayor Lindsey asked how long they anticipate using the building. Mr. Robinson replied about 18 months. They probably will not be in the building that long and will turn it over to the City. Programs will continue on. The Mayor's concern is who is going to be responsible for utilities for that building while still being used for their offices. Mr. Robinson replied equitable arrangements can be made to share that cost and come up with some type of agreement.

Councilman Norris asked when they anticipate starting. Mr. Robinson's said 11 homes have been approved and they are working on another seven (7) applications and probably within next 30 days they will be applying for permits. Mr. McCourt stated staff is asking the Mayor and Council to sit down with Mr. Robinson and work out details for their consideration. Councilwoman Cronberg agreed that makes more sense because without having something on paper we need to clarify what both parties need to be doing. Mr. Robinson too would like to know what the Mayor and Council's guidance is so that they can prepare guidelines versus what City and they are prepared to do. Councilman Johnson added we need to consider the cost for sewer hookups and Mr. Robinson thinks it will not cost a lot and stated that it is the City's cost. Some of the items Mr. Robinson is interested in are the cost for sewer, what fees we are waiving, they plan to be open 5-days per week, street light needed, etc. He talked to the Police Department and they expressed interest in using it as sub-office during the evening hours and on weekends. City Manager McCourt has looked at several options and before staff gathers information, prepares a draft they need know if that is the Mayor and Council's direction.

Councilwoman Cronberg has some concerns and because of the proposed location does not know what direction to give. Those persons in the know need to put their heads together and prepare a plan so that they can commence. As a Council person they have not done this before and need to decide what is best for the community. Mr. Robinson explained that 20 of the 38 lots are located in Ironwood and area will not be remote. They are already in process of acquiring land directly behind the Park and some things are going to happen soon and make it more public for the children and make it equitable for all. Councilwoman Cronberg said with idea of building would that incorporate upgrade to the Park and Mr. Robinson replied that is a given they plan to do that. Mayor Lindsey thinks it could be a nice Park although there is some concern because of possibility of vandalism to a building just sitting there and not being used and that is one of the things we need to look at. Councilman Johnson thinks it is a good idea to build houses and get people in. Councilman Norris asked about paved streets and Mr. Robinson replied "that is a no-no."

MOTION: Councilman Johnson moved 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.

SECONDED: Councilman Norris seconded the motion. **DISCUSSION:** Councilwoman Cronberg seriously thinks documents are the "ABC's for clearer action." Mayor Lindsey stated other improvements are needed at the Park such as vegetation and the Park does need a lot of work. Councilwoman Cronberg asked Mr. Robinson if project use is available or too premature. Mr. Robinson replied that is a good thing to do. **CARRIED.**

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

City Manager McCourt reported at the last meeting we heard from the health insurance representative the presentation on how they propose to deliver those health programs for the employees next year. Staff is looking for direction from the Mayor and Council on the approval to move forward, if approved. Mayor Lindsey presumes recommendation for self insurance is out and Mr. McCourt recommendation is to go forth with program as presented and sign necessary documents, enroll employees. Councilman Johnson asked if each employee could kick in an extra \$10 to offset costs. The City Manager replied he could not state what employees would say. Councilwoman Cronberg recommends approving what was proposed as presented to the Mayor and

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Council, sign the necessary documents and they understand the expectation. Councilman Johnson asked if a resolution is needed. City Attorney Figueroa explained the Mayor and Council have not approved to proceed, and, therefore, not ready for resolution because of the suggested change. If approved with changes then present resolution because we could change one or more agreements. Cost to employees changes cost City would pay. Councilwoman Cronberg approval just means to implement the package. City Manager McCourt suggested that we need to start briefing people and get paperwork started. If do not approve then won't have program at all.

MOTION: Councilwoman Cronberg moved to approve staff to proceed with necessary Health Insurance Plans as presented and bring them to Mayor and Council for final approval.

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

DISCUSSION/DECISION REGARDING EXTENDING THE CONSOLIDATED JUSTICE COURT CONTRACT FOR ONE (1) YEAR

City Manager McCourt explained as discussed with the Council last year we did consolidate Magistrate Court with Justice Court. Renewal came up and County did some reviews and they questioned income numbers that did not materialize as projected. Our numbers were from our Audit and we do not understand why. County is in agreement for 1-year extension, and as of today staff does not have the signed contract. Staff may have it by the 15th and need to know if Mayor and Council are in agreement. There is a slight modification the District Attorney who would not prosecute City cases as mentioned in budget and we would have to arrange for City Attorney to do prosecution for City Code Violations, therefore, it will cost us a little more.

MOTION: Councilman Johnson moved to extending the Consolidated Justice Court Contract for one (1) year.

SECONDED: Councilman Norris seconded the motion. **DISCUSSION:** Mayor Lindsey heard comment if at the end of contract if figures did not hold up the County would bill us for the difference. City Attorney Figueroa explained we used figures from last year's audit for estimate cost for the County to take over. They agreed to incorporate our two (2) clerks and cut jail costs. Took figures included from fines and forfeitures from City Court. Current contract County reviewed first Fiscal Year increase and expenditures and any adjustments they could go another way. If really high we would get reduction although in the other hand increase did not come in we would have adjustment. However, this one year same terms and conditions for the following year and if next year figures differ it might be better to run our own City Court. Jail costs alone we came out ahead. At this juncture we do not have to worry because we have 2-years under our belt. In regards to City violations it was not the County refusing it was the County Attorney who is an elected official and the Board of Supervisors can not tell him what to do and that is happening in Benson too. Mayor Lindsey stated at negotiations then we can bring up our prosecutions. **CARRIED.**

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) (NOTE: per motion next 3-items were considered together.)

City Manager McCourt explained the next 3-items are drafts and staff did not get direction from the Mayor and Council at the last meeting on what they wanted staff to do and how to proceed. Individual Councilman has indicate to call a public hearing and staff wants to make sure that is what the Mayor and Council want us to do, how to proceed, or set over next couple weeks or months to let percolate in community and then set workshops with Mayor and Council. Vice Mayor Schultz stated we need to get public involved and set up work sessions and time of day when public can be there. Tonight there are 6-8 teams playing ball and preference is Saturday meeting. Mr. McCourt suggested if this project is chosen that a member of the Body be assigned to help staff.

The Mayor, Council members and staff considered the following:

- Work sessions are preferred – more comfortable environment.
- Requested staff post query on web site for people to offer input if unable to attend work sessions.
- The policies have been on-going since early April and there is no rush although it is time to address consistent policies that are the same for everybody and good opportunity to get public input.
- Staff requested Council member to work with staff to set up work shops and Vice Mayor Schultz agreed to help.
- Additional help requested from the local newspaper to include a column requesting comments from the public and dates of work shops.
- There is wide range of confusion in the public section and we need to address how policies are to be used and clarify what the intent is and maintain that assurance on comment that the City exists to deliver service to community.

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- Need to revisit information received previously on the use of the Community Center, Quail Park, fees collected on who paid and who didn't. Community input is needed for quality of life issue and, therefore, alleviate responsibility from City employees making the decision.
- Question is how we can incorporate volunteer work service that is out there. We people in the community that know what they are doing and have the time and materials to bring facilities up to where they need to be. How do we utilize volunteers and keep in mind the safety of all? We have limited work force and this is probably the time to incorporate our community and make everything accountable.
- Concern volunteers are not able to do some things.
- It was suggested the Vice Mayor contact interested groups to determine meeting date, time and place and work with City Manager setting up work sessions. Suggestion was made to also consider mid-week meetings and for those that work maybe on a Saturday.
- The information on the agenda including Resolutions are available for public review at all Departments and on weekends too at the Library. Suggestion was made to use "good English."
- Clarification is needed on whom to talk to when requesting use of facility or meeting rooms.

Mayor Lindsey directed staff to put together drafts we have and get them out to the public and work to have public meetings to have starting point for discussion. Councilwoman Cronberg stated she does not want the whole draft and thinks summary of 1-2 lines is sufficient.

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)

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)

REPORTS BY THE CITY MANAGER PAT McCOURT

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.

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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.

DISCUSSION/DECISION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO A.R.S. §38-431.03A(3) 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.

MOTION: Councilman Johnson moved 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.

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

Recess to Executive Session: 7:57 P.M.

Reconvene from Executive Session: 8:37 P.M.

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.

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:38 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 1st day of June 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 10th day of June 2009

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

PASSED, APPROVED AND ADOPTED this 6th day of JULY 2009.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY

ATTEST:

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