

**THE REGULAR MEETING MINUTES OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 15TH DAY OF JUNE, 2009**

CALL TO ORDER-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, June 15, 2009 at 7:00 p.m.

ROLL CALL-Mayor Lindsey announced all council persons 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

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey.

CALL TO THE PUBLIC

Carol Dunagan, addressed the Mayor and Council and is attending City Council meeting as citizen who volunteers for activities. They just completed the 5th Annual June Jamboree and it was very successful and Antique Tractor Pull is making plans for next year. Dutch Oven Contest the locals now want to enter next time. There were 1200 to 1400 people in attendance. In the past no assistance was asked from the City except for 9-canopies and offered assistance once. This event brings lots of people to area and they want to come to other events. Motels and local services they use here. She thanked the City for their assistance. Her husband, Ken, asked Jeff Stoddard if City could grade 2nd Street and thanked all street personnel. They requested street sign for Second Avenue because it never had one. It helped for giving directions. Street signs on Grant Street and Dead End signs helped too. Requested help from community and thanked Parks and Recreation Department, Chamber of Commerce for their great help and thanked Kathy Smith and her volunteers. Shawn from the Museum, the Vice Mayor and the School system helped with loaning their chairs. This is small example of activities in our town with little help and consideration. City has vast resources and we have volunteers that want to help our community. Need to stop and look at what we do have and not just what we are lacking. Look at activities and be successful in all endeavors.

Mayor Lindsey read the Thank You note received at the last meeting from Jo Ann Davies regarding the great job on the chip seal of Wood Street.

Mrs. Dallas Downey addressed the Mayor and Council and announced on June 23rd here in this room at 6:00 p.m. going to do discussion on land given to City at Quail Park. Organization SASS, Single Action Shooters Society, members are in the U.S. and Europe. Tombstone has a club there and they are in a rivalry with them and SASS is part of that. They have Barrel Racing, Mounted Shooting, and Quick Draw events and people attend from all over to gain points by visiting different clubs. They will be showing a DVD and invited everyone to come and view the video.

DECLARATION ON CONFLICT OF INTEREST

Councilman Norris declared conflict regarding Agenda #17 relating to the City Attorney Contract. There was no further response from the Council members or staff.

ADOPTION OF THE AGENDA

MOTION: Councilman Johnson moved to move agenda item #20 relating to Resolution NO. 2009-38, supporting Governor Brewer's Budget, to follow agenda #9 relating to the Waste Water Treatment Plant, therefore becoming agenda Item #10 which number was skipped and adopts the remainder of the agenda. **CARRIED.**

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

DISCUSSION/DECISION REGARDING THE WORK SESSION MEETING OF JUNE 1, 2009

MOTION: Councilman Johnson moved to approve the work session meeting minutes of June 1, 2009, as presented.

SECONDED: Vice Mayor Schultz seconded the motion. **CARRIED.**

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**DISCUSSION/DECISION REGARDING EXTENDING MARSHALL BO DOWNING SATURDAY AFTERNOON GUNFIGHTS
ON THE 100 BLOCK OF N. RAILROAD AVENUE**

Ms. Jody Clifton stated she has had the Saloon for 10 years. Problems and suggested were made by Ms. Clifton, Mr. Bo Downing, Mayor and Council members and staff on the following:

- The gunfight on Saturdays and customers not able to park in front of her business is a problem and hindering business. Patrons do not want to walk down the street they want to park in front or they go to Safeway. Suggested Gun Show cut back to one or held in the North end of the Park. Sometimes the street is blocked late at night.
- Numbers kept on the people attending since the gunfights began: first one had 50-60 people although most were from a church group. On June 13 there were 12-13 people at noon and 10-12 at 4:00 p.m.
- The tractor show brought in a lot of business. Tractor and Corvette Shows are wonderful for business and agrees blocking the street for these "major events." Appreciates people that do come in and gets more feedback from them on complaints and she will sign sheet complaining about the Gunfights along with her customers.
- Locals bring in the business and to Rodney's the "Tourist is gravy on top."
- Mr. Bo Downey obtained signatures from businesses on the block to show support for the Gunfight Show. Rodney's said to him directly that he was told 'not to sign' his paper because he rents from Ms. Clifton, although he likes the Show.
- The Show is only a half hour and street is blocked 25 minutes before and starts Gunman's Walk at quarter until the hour. About 12:30 p.m. Show ends because it is timed and street is unblocked. Street is blocked only for a half hour.
- Neither he nor the participants gets paid. Feedback received has been tremendous and he too can get signatures of support. People have stated finally something like this in Willcox and they do not have to go to Tombstone and bargain is that it is free. Plus the Gunfight Show involves the kids and trying to have role models. He does not use drugs, or anything related to alcohol and when the actors are shot they walk off the streets they do not play dead because kids are watching.
- In former life Mr. Downey was a magician and does pretend shooting quarter and kids get the quarter. Afterwards kids and parents invited to shop where the kids are given an empty bullet shell. Kids' walk away feeling good and we have to realize he just started the show.
- Advertising has just started and Vice Mayor Schultz has printed the flyers. The flyers distributed in Tucson, Benson and Safford so the Gunfight Show is in its infancy during these past 2-months and count is unfair comparison. As far as business what he has seen once we get people down there that is goal we want to keep them downtown. After gunfight people start mingling and walk to the Rex Allen Museum, Marty Robbins Museum and gets good feedback
- In the beginning going to block the street and Ms. Clifton was concerned because customers could not get to the Saloon. Only using one-third of the street and went to the City Manager about it. The City Manager's problem was people would be backing out onto the street and not safe to do it that way and he understands that. Customers do not pay attention to barricades and drive through them.
- Suggestion made to move street barricades to the second street light at Rodney's and that is fine. Mr. Downey has been doing this for 15 years and had similar situation in the beginning a little rocky and then retailers after about 8-10 months felt a 30% increase in retail sales. He did too and the Show became very popular then.
- It is a good promotion to Willcox, free entertainment, people can enjoy what else there is to do in Willcox, and they can visit the Museums and catch one of 2-Gun Shows. The Show at High Noon is more popular at this point. The 4:00 p.m. Show to do is hard work because trying to keep people downtown for dinner at Big Tex BBQ, Rodney's or the Bar. Idea is to keep Historic part of Willcox in their minds especially the tourists. Mr. Downey sees this as a positive and if does need to get signatures it is not a problem. He thanked the Mayor and Council.

Mayor Lindsey asked for recommendations. City Manager McCourt stated he does not have any problems and is not enthusiastic about closing the entire street and thinks closing to the middle of street can be accommodated.

Vice Mayor Schultz asked Ms. Clifton if she supports the Car Show and other events and asked her if she has signed off on the other events. Ms. Clifton stated for big events they do not bring sign sheet and she would not sign the one for Mr. McCourt while she was on vacation. The Vice Mayor stated if we make exception to move barricade asked for support of major events. Ms. Clifton stated she does not care about major events and this is not a major event. Mayor Lindsey asked staff if it is possible to post sign that says Dead End while street is closed. City Manager McCourt believes that could be made but does not see a need for it. Mr. Downey stated street closure is 45 minutes including the walk and the show ends in 30 minutes. Immediately after Show he has 4-guys dedicated to moving the barricades and opening the street. Vice Mayor asked Mr. Downey if exception is okay with moving them to the second light or the movie theater. Mr. Downey said that would be fine. Councilman Johnson concern is that he wants safety issue with cars going down the street. Ms. Clifton asked if it would be hard to do the Show in the Park and not block the street at all. Mr. Downey replied that the problem within the Park people get confused where

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to stand. It makes sense that a gun fight is typically in the street. In the Park the little kids can sit on the grass and not have them wondering around. Tried Park in California and had couple close calls because people thought they would be going into the street and very confusing. Ms. Clifton stated why not roping off the park and making it designated area. Mr. Downey explained that in the beginning she mentioned to move barricade by Rodney and that it would work for her and Ms. Clifton replied that she is not saying it is not going to work for her. Ms. Clifton said she is thinking about the other businesses and Mr. Downey said he has signatures from everyone else.

MOTION: Councilman Johnson moved to approve gunfights modification moving barricades to the second light and trying this for 3-months and bring to Mayor and Council for review.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Councilwoman Cronberg stated safety issue is a concern and roping off the Park then would have to do that much earlier. Also during the last Community Fest at Keiller Park had gunfight and there was a close call involving a child. Kids have different mind set and not focused where they are supposed to be. Natural barrier is to sit in grass and agrees that is issue. Also there could be a possibility for those that are business owners and participant to work together to see if this modification will make a difference and work together on other tweaks. Councilman Johnson stated ultimately decision impacts our community and Historical District. He has seen the flyers and thinks Mr. Downey has something that will benefit downtown and reason to go to the Park, Big Tex, etc., and hopefully will be rewarding for all businesses downtown. Mr. Downey stated that is the only reason they do this. Admits he does lose a few sales when leaves his store, but for the people that have signed off and understands Ms. Clifton and thinks bring barricade to second light as she suggested he does not think it will impact her and the 3-month period is very fair. Mr. Downey wants to do all he can to promote Willcox and that is a reason he moved here and willing to work with anybody and at any level to be fair to everyone. Those that have not seen the show Mr. Downey encouraged them to come down and see the show. **CARRIED.**

**DISCUSSION/PRESENTATION AND/OR DECISION REGARDING WILLCOX WASTEWATER TREATMENT SYSTEM
EVALUATION AND REDESIGN PROPOSED SCOPE OF WORK**

City Manager McCourt reported the City is under violation from ADEQ and has hired Tetra Tech to help us look at this and analyze this and figure out a solution. Preliminary report summary pages are included in Council members' packets. Public Services & Works Director Dave Bonner introduced Carlos Chavez, Mark Jensen and Jim Albright who are here today working with John Bowen, Utilities Supervisor, on points for presentation tonight. Mr. Jensen thanked the Mayor and Council for the opportunity to talk about evaluation performed its findings and plans to move forward. In 2008 the City received notification from ADEQ, Notice of Violations (NOV), which means the plant is not meeting requirements set forth. ADEQ was established to protect the environment. Discharge permits issued to individual City and based on receiving streams. The City of Willcox uses water for Golf Course and Lake Cochise. The Waste Water Treatment Plant (WWTP) established a permit and if discharge measured at different points and not increased contact time and complaint and NOV is issued. Tetra Tech contracted to provide evaluation and to start meeting with City to gather data. Monthly the City submits data and February 12-13 on site and evaluated system, operators and produced report. Objective is Short, Medium and Long Term solutions. Short Term is to meet requirements for ADEQ and water is not in compliance right now. To use water as Irrigation City required posting signs: warning signs around water hazards, discharge is being placed on Golf Course greens. Recommend improvements to plan. Medium Term required making changes to plant so that all the regulations are met. One permit is needed for discharge water and using it for irrigation and the other to discharge water to Lake Cochise. This is get into full compliance. Long Term is to provide permanent plant that can meet future requirements that could be placed on the City.

Found WWTP has potential to treat and has pumping capacity, size of lagoons and the head works where water comes into plant. Original plant design water flowed from one pond to the next. Disinfection of the water occurs right after it comes out of the ponds. Propose increase contact time by building new chlorine contact basin at discharge end of lagoon. Disinfection chlorinates and in location with material or about 30 minutes. Right now gets chlorine but not enough contact time to meet requirements. Referring to Phase 1 Recommendations- right now aerator is out needs to be repaired or replaced. Head works facility is to try to screen water and right now it does not work and raggedy material gets into the pump and clogs the pumps. Operators have to constantly pull pump and clean stringy material and put back into service. When flooded electrical conduits get flooded and maintenance problems occur. Problem can be solved by putting screen uphill to get it out of wastewater. Control picked up stringy material and placed in dumpster and hauled to landfill. That would help on maintenance with the pumps. Green alternative solar or wind power and will look at these two issues. Phase I estimated cost is \$645,000.00 to get plant into compliance, and wastewater discharged to Golf Course. Water has to meet secondary treatment, provide biological lagoon, second adequate chlorination and contact time. Phase 2 Recommendation is to bring plant into compliance. Investigate algae especially during summer time; replace pumps, install remote monitors of flow levels, if power outage generator would automatically start instead of calling someone out. Also at Cochise Lake it has very high ph level and most is caused by the geology in the area of Willcox Playa which adds a lot of alkali material that is raising the ph levels. The City is in the process of

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getting discharge permit for groundwater well at Cochise Lake. Cost estimate is \$600,000.00. Phase 1 & 2 meet discharge requirements right now. Without recommended change the City will continue to be out of compliance and ADEQ will proclaim Consent Degree with time line to force City into action.

Long term recommendation is to build a new facility with combination of Phase 1 & 2. Total upgrade \$6-8 Million including sand filter, bring plant up to Class A discharge and can use water for almost any use.

Councilman Johnson asked if we qualify with Federal Stimulus and Mr. Jensen replied right now Stimulus routed through WIFA, which is how they got involved with Willcox. That money is starting to funnel down and question when it will reach and available and will it be free money or will it have to be borrowed. Mr. Chavez explained in order to get funding for Stimulus need to complete project by September 2010. To make all these modification the City will not be ready. City does not have modification ready and that needed to be ready 6-months ago. Mr. Jensen added it had to be "shovel ready" when plans were announced. Councilman Johnson asked what the time line is for each Phase. Mr. Jensen talked with Mr. Bonner and Phase 1 implement in about a year for design and ready for build. Councilman Johnson asked is that problem with ADEQ and Mr. Jensen replied not if moving forward and if ADEQ puts Consent Degree they will mandate time line. From Mr. Jensen's experience ADEQ usually gives a reasonable time line i.e. 6-months to one year. Councilman Norris if we do Phase 1 & 2 how long will that satisfy ADEQ before we have to do the \$6-8M. Mr. Jensen explained that the City of Willcox is not growing and do not know what is going to happen in the future. If we make these improvements they could last 10-15 years. Also we can not predict what will be the EPA requirements in 20 years. Once we meet requirements unlikely those requirements will get more stringent. EPA targeted point source pollution and WWTP is number 1. Mayor Lindsey stated when discussion was made about screening process in long term asked if that is needed in short term. Mr. Jensen replied they are thinking about doing that in Phase 1. New screen approximate cost is about \$200,000.00. Mayor Lindsey asked if the screen would take care of the sand problem and Mr. Jensen replied the way to do that is to have a fine screen to remove grind and stringy material. The stringy material is what people throw in their toilets.

MOTION: Councilman Johnson moved to continue the Willcox Wastewater Treatment System Evaluation and Redesign Proposed Scope of Work.

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** Mr. Chavez stated in response to how long ponds will last Phase 1 & 2 it depends on growth of City and right now need 600,000 gallons and right now we are at half. However, we have several processes we need to modify to be in compliance. Population doubled it will cover problem but it is how fast City will grow. Mayor Lindsey stated meantime need to look at funding sources. Asked staff if line in budget for \$1M. City Manager McCourt replied we have expenditure plans but not revenue and that would be the challenge. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-42 TO RATIFY, APPROVE AND ADOPT THE AGREEMENT BETWEEN THE CITY OF WILLCOX ["CITY"] AND DMJM+HARRIS, NOW KNOWN AS AECOM, ["CONTRACTOR"] TO UNDERTAKE CONSULTING AND ENGINEERING SERVICES FOR THE FORT GRANT ENHANCEMENT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST FUNDING FOR THE ENVIRONMENTAL DETERMINATION FROM DMJM HARRIS/AECOM FOR THE FT. GRANT ROAD CONNECTIVITY PROJECT, ENHANCEMENT GRANT

The City Manager explained this Resolution pertains to the improvements from Virginia to Quail for the enhancement of sidewalks and trees beautification at the 340 Exist which is the gateway to our City. Grant is \$400,000 and there is a matching portion. Item not in original proposal was Environmental Study and it is needed because we are using Federal money. Environment Study cost is \$26,337.00. That study was not planned for and would be additional allocation above and beyond our matching share. Staff is asking the Mayor and Council for approval and permission to proceed. HURF or General Fund is where monies would come from. Representative is here if the Mayor and Council have additional questions.

Mayor Lindsey asked staff what was the matching amount and Mr. Bonner said about \$23,000.00. Duane Eitel, AECOM and Jessica Popp, an Environmental Scientist are present. There are three phases 1) Scoping letter which was completed and sent to ADOT for approval; 2) Environmental Study; and 3) Final Design. The rule of thumb is 6-9 months for approval. Councilman Johnson asked how we will proceed, and Popp replied that we will work with them concurrently. Mr. Eitel added we need to start the Environmental Study now. Councilman Johnson asked when we will have the final design and Mr. Eitel said they do not have contract with City yet. Once Scoping Letter completed then they will ask for contract. Councilman Johnson recommends community involvement through a Town Hall. Mr. Eitel replied that staff has put in a lot of work into this design and they do this quite often. Popp said issue important to the public sometimes they do flyers and hold community meetings.

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Councilman Klump asked if the grant covers the Design Phase. Mr. Eitel explained the Scoping Letter, Environmental Study and grant will cover final design. They are working with staff making sure design will fit the budget. Councilman Klump asked if the grant will still be there if completed in a year. Mr. Eitel replied it should be, that is why they wanted to start now. Councilman Johnson reported that in 2005 the City received this grant and asked for the time frame. Mayor Lindsey added we have received warning letters. Mr. Bonner stated after discussion with SEAGO there are other projects older than ours and assured money is there for the City of Willcox. We have not been given a "use it or lose it," only warnings. Mr. Eitel added so long as show progress. Councilman Norris thought we had a time line. Mr. Bonner said they had told us normally 18 months but original plan was to do it in conjunction with overpass and does not think we have "drop dead time line."

Councilman Klump asked if the overpass Environmental Study went out to Quail Park and City Manager McCourt replied to the best of our knowledge remained confined to that project. Mayor Lindsey asked what our total cost as far as matching funds is. City Manager replied to the best of his knowledge close to \$24,000 match and additional \$26,000 or \$50,000 and \$470,000 Federal money. Mr. Bonner stated it includes Engineering or about \$100,000. Preliminary Engineering and Environmental Study are not included. Councilman Norris asked what the other money is and Mr. Bonner replied local match; environmental clearance and \$23-\$24,000 match. Therefore, Councilman Johnson said the total is approximately \$70,000. Councilman Norris asked if we have paid any monies and City Manager McCourt replied a portion has been paid for Engineering Study or about half. Need about \$50,000 local money and Councilman Klump asked if budgeted in. The City Manager replied in the affirmative and only this \$26,000 has not been budgeted. Councilman Norris stated he does not want it to come out of the HURF. Pat says the news is not good but much better in General Fund than anticipated. Councilwoman Cronberg asked we can apply for grants i.e. Health of Community because people will be walking and jogging in that area. Mr. Bonner stated Street Supervisor Arnold Arvizu has done traffic count. Councilwoman Cronberg stated if do not do it we will lose a lot more and the City Manager added we will lose the ability to secure future monies.

MOTION: Councilman Johnson moved to approve the agreement between the City and DMJM+Harris, now known as AECOM, to undertake consulting and engineering services for the Ft. Grant Enhancement Project in the amount of \$26,337.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Norris asked staff where will we take money from and City Manager McCourt recommends taking it from General Fund. Councilman Klump does not like grants that seem to cost us a fortune because on every change it seems to cost us a lot of money. Councilman Norris agrees we need to go ahead with this and concern is what if they pull the rug from under us and we do not get the money. He asked Mr. Eitel if he thinks there is any trouble. Mr. Eitel said they are in constant communication and no indication of time line. Councilwoman Cronberg stated some information tends to lead us to spend money or dedicate funding because we are getting misinformation. That is something to be very careful about in the future to meet the grant requirements to the letter. Popp explained the shelf life is usually 3-5 years and if funding changed then Federal funding level changes and we would have that on file for 3-5 years. City Manager McCourt asked Mayor and Council to clarify not in motion if passed take from General Fund and transfer to HURF for use of this project. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Cronberg and Donahue. **Nays-** Councilmen Norris and Klump. **CARRIED 5-2.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-30 APPROVING AND ADOPTING THE ADVERTISING AGREEMENTS BETWEEN THE CITY OF WILLCOX ["CITY"] AND THE ARIZONA RANGE NEWS/SAN PEDRO VALLEY NEWS-SUN ["ARN/SPVNS"] FOR THE PURPOSE OF ESTABLISHING PUBLICATION COSTS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to adopt Resolution NO. 2009-30, as stated, relating to Arizona Range News/San Pedro Valley News-Sun publication costs.

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** Councilman Klump stated he did not see if increased or the same. Finance Director Ruth Graham explained the adds are going to become smaller and costs will remain approximately the same. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-31 RATIFYING AND ADOPTING THE AGREEMENT BETWEEN THE CITY OF WILLCOX ["CITY"] AND HEALTH NET OF ARIZONA, INC. ["HN"] FOR THE RENEWAL OF EMPLOYEE INSURANCE PLAN AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

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MOTION: Councilwoman Cronberg moved to adopt Resolution NO. 2009-31, as stated, relating to the Agreement between the City and Health Net of Arizona for the renewal of Employee Insurance Plan.

SECONDED: Vice Mayor Schultz seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-32 RATIFYING AND ADOPTING THE AGREEMENT BETWEEN THE CITY OF WILLCOX [“CITY”] AND EMPLOYEE SOLUTIONS GROUP [“ESG”] FOR SPECIFIC EMPLOYEE INSURANCE BENEFITS PLAN AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilwoman Cronberg moved to adopt Resolution NO. 2009-32, as stated, relating to ratifying and adopting the Agreement between the City and ESG for specific Employee Insurance Benefits Plan (FSA, HRA and COBRA).

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

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-33 ADOPTING THE TENTATIVE BUDGET OF THE CITY OF WILLCOX FOR FISCAL YEAR 2009-2010, ADOPTING THE ESTIMATED AMOUNTS REQUIRED TO MEET THE PUBLIC EXPENSES AND THE ESTIMATED REVENUES, AUTHORIZING AND DIRECTING PUBLICATION OF STATEMENTS AND SCHEDULES OF THE TENTATIVE BUDGET AND DECLARING AN EMERGENCY TO EXIST

City Manager McCourt reported that at the last meeting another projection for the FY09 year was presented and end of this month we will be at the end of our current Fiscal Year. Staff previously had 5-months projected expenditures and income and we now have one (1) month left. We won't know actual numbers until July. Based on best estimates through June staff estimates \$2,248,000 and we think as of June 30, 2009 \$2,222,000 which is a slight decline and much better than projected earlier. We will maintain level of services to the best of our ability.

Councilman Johnson asked new figures received today went up again. Mr. McCourt explained that was a typo on first sheet at \$20,747,501 and it actually is \$35,212,134.00. Councilman Johnson stated at the last meeting it was \$35,208,000 and Finance Director Graham stated it was \$35,108,023. Councilman Johnson said that is an additional \$26,000 Enhancement out of savings. Mr. McCourt explained staff made concerted effort to reduce expenditures and will do that again. It is not an accident staff is very conscientious about minimizing the costs to taxpayers. It is an additional use of General Fund revenues that we had not planned. There will be no increase in the amount of the budget; staff will reduce other expenditures other areas. We are anticipating using more General Fund than we were anticipating earlier. Both Councilmen Johnson and Norris stated they have asked staff to look for ways to cut costs an additional 10%. The Council knows it takes money to operate a City, and they have not been presented with a plan other than “trust me, we are going to watch spending, and hold off purchase of vehicles.”

Constituents have asked Councilman Johnson what kind of security he can give them, quality of life, and hopes everyone keeps buying at Safeway and Food City. There may be additional funding cuts from the State and he has been concerned all along. City Manager McCourt replied we are not willing to cut quality of life but if have to do that we will but we are not at that point. Do not tell people cut off services because not necessary and if it does then we will. Cannot say what State will cut and if they do we will have to find ways to reduce services. Councilman Norris stated at the end of 2009 we will be at what amount and the City Manager replied it is less money on July 2009 then we had in July 2008 of about \$209,309. Councilman Norris stated he wants staff to go back and look at budget and look at \$1.5M in arrears in 2010. For budget our size if we continue to do this in 2-years we are broke. The Councilman does not want to cut services and need to be fiscally responsible and is concerned if things do not change we are going to have hard time next few years. Councilman Norris wants every staff member to look at budget and consider taxpayers and if anything can be done to lower expenses do it. Councilman Donahue stated once budget is approved then at any time we can cut anything out of the budget. If the economy recovers, we can proceed and not be stuck unable to act for couple years. If the recovery does not materialize, we can cut back then. City Manager McCourt replied that is correct. Councilman Johnson said that is correct but we do not have a plan other than just wait and see what tomorrow brings.

MOTION: Councilman Johnson moved to table.

SECONDED: Councilman Norris seconded the motion. **VOTE: Ayes-**Vice Mayor Schultz, Councilmen Johnson and Norris. **Nays-**Mayor Lindsey, Council members Cronberg, Klump and Donahue. **FAILED 4-3.**

MOTION: Councilman Donahue moved to approve Resolution No. 2009-33, as stated, relating to Adopting the Tentative Budget of the City for FY 2009-2010.

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** Councilwoman Cronberg stated based on track record of our staff with budget and living under these times that should be issue to provide the Council some confidence even without a clear plan and they have to deal with them as they hit them. The Councilwoman said she has confidence staff will continue to do the best for this community. As a Council they need to approve the tentative budget because it gives all of us room to work and if we do go too low we cannot increase the budget and we can always decrease it and has full confidence on

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staff. Mayor Lindsey stated he does not think anyone is confident with the budget. Councilwoman Cronberg stated we need document to submit before the end of this month. **VOTE: Ayes-**Mayor Lindsey, Vice Mayor Schultz, Council members Cronberg, Klump and Donahue. **NAYS-**Councilmen Johnson and Norris. **CARRIED 5-2.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-34 APPROVING AND ADOPTING THE COURT CONSOLIDATION AGREEMENT BETWEEN THE CITY OF WILLCOX ["CITY"] AND COCHISE COUNTY ["COUNTY"] FOR THE PURPOSE OF EXTENDING THE COURT CONSOLIDATION AGREEMENT FOR ONE ADDITIONAL YEAR, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to adopt Resolution NO. 2009-34, as stated, relating to the Court Consolidation Agreement between the City and Cochise County extending it for one additional year.

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

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-35 APPROVING AND ADOPTING THE LEGAL SERVICES CONTRACT BETWEEN THE CITY OF WILLCOX ["CITY"] AND HECTOR M. FIGUEROA D.B.A. HECTOR M. FIGUEROA & ASSOCIATES ["CONTRACTOR"] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE CONTRACT AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to adopt Resolution NO. 2009-35, as stated, relating to adopting the Legal Services Contract between the City and Hector M. Figueroa, Contractor.

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED 6-0-1 Declared Conflict:** Councilman Norris.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-36 APPROVING AND ADOPTING THE SERVICES CONTRACT BETWEEN THE CITY OF WILLCOX ["CITY"] AND LIN-CUM, INC ["LIN-CUM"] FOR ARCHIVAL STORAGE, RETRIEVAL AND SECURITY SERVICES, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to adopt Resolution NO. 2009-36, as presented, adopting the Services Contract between the City and Lin-Cum for archival storage, retrieval and security services.

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** Mayor Lindsey addressed his question to Finance Director Graham and asked if microfiche or CD. Ms. Graham explained we use CD and have microfiche which is required by State. The Mayor asked how long kept and Ms. Graham replied we do not have requirement and State requirement is we have to visually see it and that is more permanent. City Attorney Figueroa explained major difference in Contract involves storage especially designated, climate controlled area and ability to retrieve documents in a certain period of time and its security. Secured area is designed for storage. City has been using them and this is one step beyond and when told about this he recommended Resolution to approve the contract. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-37 APPROVING AND ADOPTING THE FY 2009-2010 AGREEMENT BETWEEN THE CITY OF WILLCOX ["CITY"] AND THE SOUTHEASTERN ARIZONA COMMUNITY ACTION PROGRAM, INC, ["SEACAP"] AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND DECLARING AN EMERGENCY TO EXIST

The City Manager reported this agreement is an annual agreement with SEACAP and Executive Director Librado Ramirez, SEACAP is present tonight. Mr. Ramirez addressed the Mayor and Council and stated every year he comes here and happy to come to City. They are sitting here as non-profit and stand alone. This year SEACAP received \$4.6 M stimulus weatherization in Graham, Cochise, Greenlee, and Santa Cruz Counties. In Willcox last fiscal year helped with \$37,165.16 and rent \$243,833.41. Utility Repair & Replacement \$6,425.85; Income Tax free service \$41,068 no matter what their economic level is. They served 361 persons or 128 families. Stimulus package they are getting for weatherization for one (1) person can only earn \$21,000 and when adding more family members annual earnings increase. Right now they have 18 pending files and training is going on in Phoenix. Since the newspaper article was published they are swamped. Advertised for 2-positions in this City and received zero people to apply. Staffing positions here in Willcox are out of Safford. Mr. Ramirez thinks people are not even going out to look for jobs because they think there is nothing here in this area. Safford mining closed and those out of work are scurrying because they expect to get rehired. Both positions advertised were paying over \$30,000 with medical benefits and they received no response from Willcox.

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Councilman Johnson asked if positions are still available and Mr. Ramirez replied "No, sir." SEACAP is here to help City and if needed they will bring workers from other locations and will not let Willcox look in rear view mirror. More stimuli funding for housing process about \$2-4M. Mr. Ramirez said he is reminded of the saying "Be careful what you ask for" because he now has 4-times the amount of reports than any other time. If you need it and don't ask for it you are not going to get it.

MOTION: Councilman Johnson moved to adopt Resolution NO. 2009-37, as stated, relating to Adopting the FY2009-2010 Agreement between the City and SEACAP.

SECONDED: Councilman Donahue seconded the motion. **CARRIED.** Mr. Ramirez thanked the Mayor and Council.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-38 APPROVING AND AUTHORIZING A RESOLUTION IN SUPPORT OF GOVERNOR JAN BREWER'S FY 2009-2010 BUDGET PROPOSAL AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

City Manager McCourt reported the State Legislature is having a difficult time trying to balance budget as well as preparing budget for next Fiscal Year. The Legislature has passed a budget and has not sent it to the Governor. The Governor has stated it is not realistic and she has proposed her own budget. Both budgets will hurt everyone. All government entities are under stress. The League of Arizona Cities & Towns has reviewed the budgets and they think the Governor's is the better of the two. They have asked Cities and Towns to consider a resolution in support of her budget. Now it becomes a political question.

Mayor Lindsey stated he has been asked to support it and because of dangers in Legislative budget he is reluctant to sign Resolution without hearing from members of the Mayor and Council. Councilman Norris stated if we go with the Governor's budget we will get an additional 1% tax. Councilman Johnson stated Willcox has own problem, trying to make money for Waste Water Treatment Plant, roads and streets and hard to choose whether Legislature or the State's budget. In response to his constituents he can not say "I approve 1% Sales Tax." In 2002-3 the City lost a lot of businesses because we went 1% higher and he can not put his name on it. If have issue call Legislature or Governor because he can not support them. Mayor Lindsey proposes sweeps on different funds that effect the City's and hard time with his constituents to accept the State's because of potential damage to the Cities. It is a matter of personal opinion what happens with it. Councilman Johnson said the State is in financial problems, County, California, and Arizona is going broke and as Council responsible to citizens here and trying to get our balanced budget and can not see signing. Mayor Lindsey stated he agrees as far as approval on increase in Sales Tax and disagrees on State Legislature doing in sweeping funds which will be worse than Sales Tax. Councilman Johnson added that we do not have Impact Fees. Councilman Norris asked if we do not approve Governor's budget how much help from State have we received up to this point. It has been very little. Thinks he will not support anything. Councilman Johnson wants to move forward and asked what we have done, what plans we have in place before discussing our budget. Vice Mayor Schultz stated this is one time we do not pass that Resolution. Councilwoman Cronberg agrees and stated when she saw it on our agenda felt we need to support Governor whether or not she agrees with it there is some good. The Councilwoman has problem with raising taxes and can not sign off on that nor does Legislature because they are trying to solve problem on Cities back which they are already hurting. That includes small cities without other recourse and if tax increased by 1% we will not get any of it. She too does not agree as Council we have to support Governor because we do not support Legislature. Councilman Johnson said we will see what happens in about 14 days. Councilwoman Cronberg stated she does not think our Resolution will make a difference and personally can not sign it.

MOTION: Mayor Lindsey moved we do nothing.

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

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-39 APPROVING AND ADOPTING THE CONSTRUCTION AGREEMENT CDBG BETWEEN THE CITY OF WILLCOX ["OWNER"] AND BUILDING EXCELLENCE, LLC ["CONTRACTOR"] FOR THE COMPLETION OF THE COMMUNITY CENTER IMPROVEMENTS-PHASE 2, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE CONTRACT DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST

City Manager McCourt reported this is ongoing project for the Community Center. This is Phase 2 and soon will be presenting Phase 3. The Engineer and Architect are here tonight to discuss any of the items. Mr. David Shambach, Architect, reported the project did bid within budget and Mayor and Council position was to award the contract. Ken Davis, Project Coordinator, explained major part of project is the Kitchen Remodel. Bathroom Remodel they did to ADA compliance and making them newer and remodeling. Dining Room Remodel removed carpet, polish concrete floor, repair ceiling and walls, new light fixtures and power receptacles. Allowance set up for Structural Lintel Replacement/Repair to further evaluate in base bid per structural engineer evaluations. Mr. Shambach does not foresee exceeding allowance. Repairs also needed to the exterior plaster and the Courtyard. Upgrade Electric to 600 Amp Overhead Service and will try to achieve underground electrical service. Notice for

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Invitation to Bid advertised on May 13th and May 30th. Pre-bid Conference was held on May 29th and received 11 General Contractors who attended and had 7-contractors provide bid. Apparent Low Bidder is Building Excellence in the amount of \$221,261.00 and with Alternates the total is \$258,120.00. Subtracting alternate quarry tile flooring and in lieu vinyl flooring total approximately \$251,000.00. Setup is in 90 days from date of award and plan is to have it completed by the 1st of October for the Cowboy Hall of Fame Dinner. Exterior work is to be completed in 120 days.

Vice Mayor Schultz asked about hood which is supposed to be a full service kitchen. Mr. Davis had a meeting with School personnel and gave them good advice. Steam table does not work very well and recommended a Warming Unit. Range is having a new hood in compliance with Health Code and fire suppressant. City Manager McCourt explained when they were talking about doing the kitchen staff brought in representatives from the group users in our community.

MOTION: Councilman Johnson moved to adopt Resolution No. 2009-39, as presented, regarding awarding the bid for the Construction Agreement CDBG between the City and Building Excellence, LLC for the completion of the Community Center Improvements Phase 2.

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED.** Mr. Shambach stated it is great working with community and great to get the community center back into life.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-40 APPROVING AND ADOPTING THE BASIC SERVICE CONTRACT BETWEEN THE CITY OF WILLCOX ["CITY"] AND THE SOUTHEASTERN ARIZONA GOVERNMENTS ORGANIZATION ["SEAGO"] FOR THE PURPOSE OF IMPLEMENTING THE SFY 2009-2010 CONTRACT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to adopt Resolution No. 2009-40, as stated, regarding the Basic Service Contract between the City and SEAGO.

SECONDED: Vice Mayor Schultz seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-41 TO APPROVE THE PURCHASE OF A GENERAC COMMERCIAL 80KW STANDBY GENERATOR FOR THE WDPS

MOTION: Councilman Donahue moved to adopt Resolution No. 2009-41, as presented, relating to the purchase of a Generac Commercial 80KW Standby Generator for WDPS.

SECONDED: Councilman Johnson seconded the motion. **DISCUSSION:** Councilman Klump said 80KW is very big and asking if 9-1-1 is "using quite a bit of juice all the time." Chief Weaver addressed the Mayor and Council and explained that due to upgrade it is considerably larger. They are not using more power it should be using less but radios, 9-1-1 and communication system need refrigerators and freezers are needed in Investigations. They do not want to have risk in jeopardizing evidence and maintain properly. Mayor Lindsey asked if there is additional cost for natural gas and Chief replied we do not know at this time what those costs are. Councilman Klump stated we would have those costs no matter what we bought. Public Works Director Bonner said we have gas line relatively close. Councilman Norris asked if this was budgeted item and the Chief replied it was budgeted item last year. **CARRIED.**

REPORTS BY THE CITY MANAGER PAT McCOURT

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

- **Report on Investments**– Ruth Graham, Finance Director- City Manager McCourt reported money passes through City and we maximize investments for: 1. Security; 2. Equity; and 3. Rate of return.
- **Report on 4th of July Festivities** –Chief Jake Weaver, Public Safety Director-The Chamber of Commerce sent an email to encourage people to donate, donations would be sent to help pay for this event. City does get donations although City pays for majority. The Chief reported as of this afternoon accepted \$3,263 donations from community. Balance due is approximately over \$5,000. The Department has not received donations from the larger companies or corporate sponsors as of yet and will accept them after 4th of July. Publicly recognized donations if acceptable to do so by Mayor and Council. He thanked Mick Chevron, Pioneer Title, Monty Jones Trucking, Far West Pumps, Stamback Septic, Willcox Car Wash, Dr. Dawn Walker, Days Inn, Willcox Auto Parts, Apple Annie's, Charles Leighton Hospice, Chamber of Commerce, Willcox Masons Lodge, NCCH, Lowell Jensen, Willcox Elks Lodge, Willcox Real Estate, Willcox Farm Supply, JT Auto sales, Miss Pat Moss, Miss Cindy Brewster, Willcox Packing House, Super 8 Motel, Grande Vista RV Park, Dr. Bushman, H&R Block, Colwell Bankers, Willcox Fire Department, Rix's Tavern, Stronghold Feeds, Lazy S-J Ranch, Magic Circle RV Park, Robin and Doris Jones, JMJ Electronics, Buddyz, Westlawn Chapel, Southeast Arizona Food Bank, Jan Kortsen Insurance, and S.S.V.E.C. Councilman Johnson reported Golf Tourney will be held on Saturday, June 27th for the fire department. Chief stated the golf tournament is a fundraiser for the fire department to help purchase new equipment for the fire department. The

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Chief stated if the public wishes to do dedications at the fireworks event to honor a family member or Veteran to contact Assistant Fire Chief Patricia Ackerson-Rodriguez.

- **Report on Golf Course Building-** Dave Bonner, PS&W Director-reported on the roof and storage going very well. About half has been completed.
- **Report on Public Safety Complex LED Sign-** Dave Bonner, PS&W Director-received quotes from different organizations to identify facility as well as LED to scroll information on events and meetings happening in community. Chief Weaver added also can be used for Amber alerts as well. Mr. Bonner stated the lowest quote is \$12,000 and asked for comments from the Mayor and Council on the design. Mayor Lindsey asked if anything to identify City Council Chambers and Mr. Bonner replied not on that but there will signs on the side of the building.
- **Report on Draft Policies-**Pat McCourt, City Manager, policies on the web site for review and survey-last meeting draft policies posted on web and that has been done as directed. Reminded Mayor's/Manager's meeting this week if Council members have not signed up contact City Clerk Whelan to make reservation.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Klump stated its 9:25 should I say more.

Councilman Norris agreed.

Vice Mayor Schultz agreed with cohorts.

Mayor Lindsey is interested in League of Cities.

Councilwoman Cronberg concerns due to emails she received thinks they could be incorporated with opportunity of public hearings on policies i.e. Volunteer Policies more friendly and address their concerns. She is looking at specifically at the Humane Shelter and wants to share ideas. Another concern is she wants the Mayor to know she is not being strong armed by him; it was by others.

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 9:28 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 15th day of June 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 30th day of June 2009

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

PASSED, APPROVED AND ADOPTED this 20th day of JULY 2009.

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

ATTEST:

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