

CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA-Statement of Legal Actions
Monday, June 15, 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. 2009-42
Ordinance NS295

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, June 15, 2009 at 7:00 p.m. Good to have everyone here and welcomed them to the City Council meeting this evening.
2. **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

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**-Mayor Lindsey.
4. **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.

5. **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.
6. **ADOPTION OF THE AGENDA**-It was moved and seconded 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.**
7. **DISCUSSION/DECISION REGARDING MINUTES OF WORK SESSION MEETING OF JUNE 1, 2009** Tab 1
It was moved and seconded to approve the minutes of the work session meeting of June 1, 2009, as presented. **CARRIED.**
8. **DISCUSSION/DECISION REGARDING EXTENDING MARSHALL BO DOWNING SATURDAY AFTERNOON GUNFIGHTS ON THE 100 BLOCK OF N. RAILROAD AVENUE** Tab 2
It was moved and seconded to modify moving the street closure to the second street light and trying this for 3-months and bring to Mayor and Council for review. **CARRIED.**
9. **DISCUSSION/PRESENTATION AND/OR DECISION REGARDING WILLCOX WASTEWATER TREATMENT SYSTEM EVALUATION AND REDESIGN PROPOSED SCOPE OF WORK** Tab 3
It was moved and seconded to continue the Willcox Wastewater Treatment System Evaluation and Redesign Proposed Scope of Work. **CARRIED.**

Per Motion consider agenda item #20 Resolution 2009-38 Governor Brewer's Budget Proposal and item becomes #10.
~~20-~~ 10. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-38 APPROVING AND AUTHORIZING A RESOLUTION IN SUPPORT OF GOVERNOR JAN BREWER'S FY 2009-20010 BUDGET PROPOSAL AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST** Tab 13
 It was moved and seconded that the Mayor and Council take no action. **CARRIED.**

11. **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** Tab 4
 It was moved and seconded to adopt 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 \$26,337.00.
VOTE: Ayes-Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Cronberg and Donahue. **Nays-** Council members Norris and Klump. **CARRIED 5-2.**
12. **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.** Tab 5
 It was moved and seconded to adopt Resolution NO. 2009-30, as stated, relating to Arizona Range News/San Pedro Valley News-Sun publication costs. **CARRIED.**
13. **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.** Tab 6
 It was moved and seconded to adopt Resolution NO. 2009-31, as presented, relating to the Agreement between the City and Health Net of Arizona for the renewal of Employee Insurance Plan. **CARRIED.**
14. **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.** Tab 7

It was moved and seconded to adopt Resolution NO. 2009-32, as presented, relating to ratifying and adopting the Agreement between the City and ESG for specific Employee Insurance Benefits Plan (FSA, HRA and COBRA). **CARRIED.**

15. **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** Tab 8
It was moved and seconded to table. **VOTE: Ayes-** Vice Mayor Schultz, Council members Johnson and Norris. **Nays-** Mayor Lindsey, Council members Cronberg, Klump and Donahue. **MOTION TO TABLE FAILED 3-4!**

It was moved and seconded to adopt Resolution NO. 2009-33, as stated, relating to Adopting the Tentative Budget of the City for FY 2009-2010. **VOTE: Ayes-** Mayor Lindsey, Vice Mayor Schultz, Council members Cronberg, Klump and Donahue. **Nays-** Councilmen Johnson and Norris. **CARRIED 5-2.**

16. **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.** Tab 9

It was moved and seconded 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. **CARRIED.**

17. **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** Tab 10

It was moved and seconded to adopt Resolution NO. 2009-35, as presented, relating to adopting the Legal Services Contract between the City and Hector M. Figueroa, Contractor. **CARRIED 6-0-1** Councilman Norris declared Conflict.

18. **DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-36 APPROVING AND ADOPTING THE SERVICES CONTRACT BETWEEN THE CITY OF WILLCOX [“CITY”] AND LIM-CUM, INC [“LIM-CUM”] FOR ARCHIVAL STORAGE, RETRIEVAL AND SECURITY SERVICES, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.** Tab 11

It was moved and seconded to adopt Resolution NO. 2009-36 as presented, adopting the Services Contract between the City and Lim-Cum for archival storage, retrieval and security services. **CARRIED.**

19. **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** Tab 12

It was moved and seconded to adopt Resolution NO. 2009-37, as stated, relating to Adopting the FY2009-2010 Agreement between the City and SEACAP. **CARRIED.**

21. **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** Tab 14

It was moved and seconded 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. **CARRIED.**

22. **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** Tab 15

CONTRACT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

It was moved and seconded to adopt Resolution No. 2009-40, as presented, regarding the Basic Service Contract between the City and SEAGO. **CARRIED.**

23. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-41 TO APPROVE THE PURCHASE OF A GENERAC COMMERCIAL 80KW STANDBY GENERATOR FOR THE WDPS Tab 16

It was moved and seconded to adopt Resolution No. 2009-41, as presented, relating to the purchase of a Generac Commercial 80KW Standby Generator for WDPS. **CARRIED.**

24. 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 from 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 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.

25. 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.

26. ADJOURN.-9:28 p.m.

_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.