

CITY OF WILCOX
MAYOR AND CITY COUNCIL MEETING
AGENDA-Statement of Legal Actions
Monday, July 6, 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. 2009-44
Ordinance NS296

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, July 06, 2009 at 7:00 p.m.
2. **ROLL CALL**-Mayor Lindsey announced all Council members are present and welcomed all in attendance.

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 Counsel Patrick Moran
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**

Ms. Delcie Schultz addressed the Mayor and Council regarding Historical District signs which should be placed at the ends of Railroad Park and Grant Street. Stated she has asked numerous time to people that work for the City to get the signs moved. She asked if she could get on the agenda to get the signs moved before Rex Allen Days this year.

Ms. Kathy Klump announced the 10th Anniversary of the Chiricahua Museum on July 16th and invited all at 11:00 a.m. on Saturday the 18th and to see their progress. There will be goodies to eat and invited all to come see the progress and encouraged all to come.

5. **DECLARATION ON CONFLICT OF INTEREST**

Councilman Klump declared a future conflict of interest regarding Ordinance NS295 rezone Parcel Number 203-27-002A from RR-1 to I-2. There was no further response from the Council members or staff.

6. **ADOPTION OF THE AGENDA**

It was moved and seconded to adopt the agenda as presented. **CARRIED.**

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

PROCLAMATION: The Mayor read and declared the **58th Annual Rex Allen Days- "Cowboy Through It All"** Tab 1
Beginning Thursday, October 1, through Sunday, October 4, 2009.

Communications: Mayor read the First Reading of Ordinance NS295 Amending Title 17 "Zoning" Of The Tab 2

Willcox Municipal Code, In Accordance With Section 17.92.230 To Rezone A Portion Of Parcel Number 203-27-002A From RR-1 (Recreational Residential) To I-2, (Industrial) As Depicted In The Property Diagram. Mayor announced it has gone before the Planning & Zoning Commission.

Public Hearing: The Mayor and Council will hold public hearings on (1) Monday, July 20, 2009 at 7:00 p.m., **Tab 3** City Council Chambers, 300 W. Rex Allen Drive, regarding Ordinance NS295 Amending Title 17 "Zoning" Of The Willcox Municipal Code, In Accordance With Section 17.92.230 To Rezone A Portion Of Parcel Number 203-27-002A From RR-1 (Recreational Residential) To I-2, (Industrial) As Depicted In The Property Diagram; and

(2) Monday, July 20, 2009 and Monday, August 3, 2009 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive, regarding FY2009-2010 Budget.

All members of the public are invited to attend. For those persons wishing to comment and are unable to attend written comments will be accepted in the Office of the City Clerk until 4:00 p.m. the day of the public hearing.

8. DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES OF JUNE 1, 2009 AND THE SPECIAL MEETING HELD ON MAY 27, 2009 **Tab 4**

It was moved and seconded to approve the regular meeting minutes of June 1, 2009 and the special meeting held on May 27, 2009. **CARRIED.**

9. PRESENTATION/DISCUSSION BY STACI SEYER, DICK & FRITSCHER DESIGN GROUP, ARCHITECT ON THE LIBRARY RENOVATIONS **Tab 5**

Library Director Tom Miner introduced Vice President and Architect Staci Seyer, of Dick & Fritsche Design Group. Ms. Seyer explained the power point presentation on the update of the Library renovations. Documentation started from the adoption of the plan by the Mayor and Council in October 2008. Met with Mr. Miner on June 22, 2009, City representative and PLAC members and Friends of the Library. A council member was also present and they all went through program and space program while adhering to the Mission Statement of the Library. The previous Council Chambers needs to be renovated to provide additional space for teens, children and meeting space.

Mayor Lindsey asked if any parking is proposed on the East side of the Library and Ms. Seyer replied only a few are to the North. The Mayor said other parking is across the street at the old Police Department building. Councilman Johnson asked about handicap parking and Ms. Seyer explained that will be worked out with the new project. There are no barriers into that facility and Councilman Johnson said other than the street. Mayor Lindsey thinks there are a few spots there that can be made handicap parking and Ms. Seyer nodded her head in agreement. Library Director Miner stated staff will move their parking to the west side to free up the east side parking. Ms. Seyer stated they are on track for bid on the drawing by the end of July, barring Code review and bid process earliest occupy end of January 2010. In regards to budget they have not been hired to do cost estimate but are providing plans which outline along with the base bid construction package and extras will be add on and alternates. The Mayor and Council will be presented with the menu with items they can afford and hopefully bid process can say "yes to vestibule and staff restrooms." Councilman Johnson stated this sounds very nice and Mayor Lindsey thanked her for coming to do the presentation. Ms. Seyer said they will proceed with drawings.

10. PRESENTATION/DISCUSSION OF THE VISITOR CENTER BY THE EXECUTIVE DIRECTOR OF THE WILLCOX CHAMBER OF COMMERCE & AGRICULTURE KATHY SMITH **Tab 6**

Ms. Smith reported she is here tonight to talk about the Willcox Visitor Center and Regional Marketing with Cochise County Tourism Council (CCTC). Included in Council members packet was the bound report. Overview estimated cost to run Visitor Center as partner with the City and put efforts into building a better Visitor Center. Every year cost increases and this year able to put in 2-full time employees compared to 1.5 last year. Busiest is September-February and in July starts our U-Pick Season. The Visitor Center is open 7-days a week. The report includes Profit and Loss Statement and reported that the Bed Tax is down during January-May 2009. Although it is down they do not feel down enough to be a real concern at this time. Chamber membership is down and that is a concern. As of May they are about \$1800 down as far as income from last year. The State changed marketing from TEAM to ARRM (Arizona Rural & Regional Marketing) and Cochise County has been ahead of the game and was used as model for regional marketing and they are very proud of that. EZ Marketing stayed the same for publications. Top 2 publications are the Arizona Official State Visitor Guide and the Phoenix Official Visitor Guide (OVG). Also want to be included in the Canadian Traveler because of the number of Canadian travelers who come each year. Asked money from CCTC for Cochise Originals a new program working on and should have DVD available in every Visitor Center in Cochise County. The DVD tells everything to do in Cochise County. Up for the Governor's Award and will find out next week at the Governor's Conference. CCTC still does the

Land of Legends and Cochise County maps which is very popular and asked for additional funding for *Legends* and is requesting funding for their web site development. It is very nice and the site is cochisecounty.com. Also, requesting funding for a PR person to the Tourism Council. Total cost asking is \$152,045.39 and about \$39,000 for Advertising and CCTC responsible for additional \$36,000 for Luanne Mattson for PR Services or about half of the total budgeted cost of \$76,022.70.

Mayor and Council members thanked Ms. Smith and Councilwoman Cronberg said she really appreciates reports.

11. DISCUSSION/DECISION REGARDING THE REQUEST FOR STREET CLOSURE BY THE WILLCOX CHAMBER OF COMMERCE & AGRICULTURE TO HOLD WESTERN HERITAGE DAY ON SATURDAY, JULY 18, 2009 FROM 6:00 A.M. UNTIL 5:00 P.M. FROM STEWART STREET TO MALEY ON RAILROAD AVENUE Tab 7

It was moved and seconded to approve the request for street closure by the Willcox Chamber of Commerce & Agriculture to hold Western Heritage Day on Saturday, July 18, 2009 from 6:00 a.m. until 5:00 p.m. from Stewart Street to Maley on Railroad Avenue. **CARRIED.**

12. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-43 APPROVING AND ADOPTING THE 11 INTERGOVERNMENTAL AGREEMENTS [IGA] FOR DESIGNATION OF LAW ENFORCEMENT UNIT BETWEEN THE CITY OF WILLCOX, ON BEHALF OF THE WILLCOX DEPARTMENT OF PUBLIC SAFETY, ["DEPARTMENT"] AND THE WILLCOX UNIFIED SCHOOL DISTRICT NO: 13 ["DISTRICT"] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE IGA AND DECLARING AN EMERGENCY TO EXIST. Tab 8

It was moved and seconded to approve Resolution NO. 2009-43, as stated, relating to Designation of Law Enforcement Unit between the City, WDPS, and WUSD. **CARRIED.**

13. DISCUSSION/DECISION REGARDING LEASE AT STOUT'S CIDER MILL–FISH PONDS ON CIRCLE I ROAD Tab 9

It was moved and seconded to table and review documentation presented tonight for a future meeting after further research. **CARRIED.**

14. DISCUSSION/DECISION REGARDING PERMITTING SEACAP TO USE THE SPACE IN THE BUILDING AT 101 S. RAILROAD AVENUE Tab 10

It was moved and seconded to approve permitting SEACAP to use the space in the building at 101 S. Railroad Avenue. **SECONDED:** MC seconded the motion. **CARRIED.**

15. REPORTS BY THE CITY MANAGER PAT McCOURT Tab 11

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

- **Upcoming event:** Cochise College & Willcox Unified School District ground breaking ceremony on Wednesday, July 8, 2009 at 9:30 a.m. 480 N. Bisbee Avenue.
- **Report on 4th of July Festivities** –Chief Jake Weaver, Public Safety Director- City Manager McCourt stated this is his first July 4 in Willcox. Other communities he has been involved with and funding for fire works and from his house he could see the fireworks display. His guest told stated what a good display and wonderful show it was. Around 9:00 p.m. he went downstairs because thought it was over and very surprised the Fire Department could do that with kind of show with the amount of donations raised by the community. His wife told him that he missed the second half. Great job VFF! And gave special recognition to Chief Weaver. **APPLAUSE.** City Manager McCourt stated he does not know how he purchased the amount of fireworks and the Chief's program does not happen without donations from community, and staff. Chief Weaver thanked all and stated without the help and coordination from Assistant Fire Chief Patti Ackerson-Rodriguez who puts out the program. Appreciates generosity of the City and able to have a longer program because had more shots and had a very good time and looks forward to doing this again next year. Also thanked Bob Dahlstrom **APPLAUSE.** Chief stated there is no truth to rumor confiscated fireworks by patrol stopping persons coming into town. Mayor Lindsey stated it was a "Great Show."
- **Report on the completion of Chip Sealed Streets-** Dave Bonner, Public Services & Works Director, update in FY08-09. He reported on the chip sealed streets completed in FY08-09.
- **Report on Parks & Recreation Committee-**Pat McCourt, City Manager, reported on the vacancies and Parks & Recreation Committee continues to have vacancies. The vacancy has been advertised 4-weeks and there are 2-vacancies remaining (out-of-town citizens are acceptable). The City Manager asked the Mayor and Council to use influence in community to ask interested citizens if they would like to serve.

- **Report on Public Meeting** – Pat McCourt, City Manager, reported on the Airport Community Meeting on Thursday, July 9, 2009 from 7-9 p.m. at the Elk’s, 247 E. Stewart Street to solicit input from community and share information they have gathered so far.
- **Report on Draft Policies Committee** -Pat McCourt, City Manager, policies on the web site for review and survey. As of last Thursday received 4-hits. Three (3) left comments good and even-handed and the fourth left no comment.
- **Speaking presentation on the first Tuesday or August 4th**– City Manager McCourt reported he is the speaker at the Chamber Luncheon on the first Tuesday in August or August 4th.

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

Councilwoman Cronberg thanked Fire Department for a great 4th of July celebration!
 Councilman Johnson echoed the same and stated they did a wonderful job.
 Mayor Lindsey too echoed that and thought it was a great show. All comments he heard while there were that it was really good and appreciates the work that went into that and efforts the Chief’s department did.
 Vice Mayor Schultz reported the gunfighters came from California and our Fire Department show ranks as some of the best he has seen and said to the Chief to congratulate your staff.
 Councilman Norris reported he was out-of-town and from everything he has heard he congratulated the Chief’s department too. Directed his comment to Mr. Bonner and stated when he gets more money do some more streets and appreciates what has been done.
 Councilman Klump agreed the streets are looking better. Thanked Chief for fireworks.

**17. DISCUSSION/DECISION TO ENTER INTO AN EXECUTIVE SESSION A.R.S. §38-431.03A(1) Tab 12
 DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DEMOTION, DISMISSAL, SALARIES, DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY, EXCEPT THAT, WITH THE EXCEPTION OF SALARY DISCUSSIONS, AN OFFICER, APPOINTEE OR EMPLOYEE MAY DEMAND THAT SUCH DISCUSSION OR CONSIDERATION OCCUR AT A PUBLIC MEETING. THE PUBLIC BODY SHALL PROVIDE THE OFFICER, APPOINTEE OR EMPLOYEE WITH SUCH NOTICE OF THE EXECUTIVE SESSION AS IS APPROPRIATE BUT NOT LESS THAN TWENTY-FOUR HOURS FOR THE OFFICER, APPOINTEE OR EMPLOYEE TO DETERMINE WHETHER SUCH DISCUSSION OR CONSIDERATION SHOULD OCCUR AT A PUBLIC MEETING.**

MOTION: Councilman Johnson moved to enter into Executive Session ARS 38-431.03A(1), as stated, relating to City Manager 6-month evaluation.

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

18. RECESS TO EXECUTIVE SESSION, IF APPROVED- 7:58 p.m.

19. RECONVENE FROM EXECUTIVE SESSION- 8:42 p.m.

20. DISCUSSION/DECISION REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION RELATING TO THE CITY MANAGER’S 6-MONTH EVALUATION

MOTION: Councilman Johnson moved to follow dictates of the City Manager Pat McCourt employment contract, good evaluation, compensate him according to contract and continue his employment with the City. **SECONDED:** Councilwoman Cronberg seconded the motion. **CARRIED.**

21. ADJOURN-8:45.

Misc. Tab:

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.